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Consideration of reports submitted by States parties under article 40 of the Covenant

Third periodic reports of States parties due in 2008

Suriname*

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** Annexes can be consulted in the files of the secretariat.

List of abbreviations

ABS	Algemeen Bureau voor Statistiek (General Bureau of Statistics)
ACM	Association of Caribbean MediaWorkers
Art	Article
Arts	Articles
BBS	Beveiliging en Bijstandsdienst Suriname (Security and Assistance Service Suriname)
BVK	Bureau Vrouw en Kind (Office Women and Children Policy)
CBB	Centraal Bureau voor Burgerzaken (Central Bureau of Civil Affairs)
CPI	Centraal Penitentiare Inrichting (Central Penitentiary Institution)
CRC	Convention on the Rights of the Child
DNA	De Nationale Assemblee (The National Assembly)
ESIAs	Environmental and Social Impact Assessments
FPIC	Free Prior Informed Consent
HvB	Huis van Bewaring (House of Detention)
ICCPR	International Covenant on Civil and Political Rights
IMF	International Monetary Fund
IOM	International Organization for Migration
JKB	Jeugd Kinderbescherming (Judicial Child Protection Service)
L-Decrees	Land reform Decrees
LGBT Platform	Lesbians, Gays, Bisexuals and Transsexuals Platform
MDG	Millennium Development Goals
MICS	Multiple Indicator Cluster Survey
MSC	Mining Service Center
NGO	non-governmental organization
NIMOS	Nationaal Instituut voor Milieu Ontwikkeling in Suriname (National Institute for Environment and Development in Suriname)
OPZ	Onderzoek Personeelszaken (Personal Investigation Department)
PAHO	Pan American Health Organization
PCS	Psychiatrisch Centrum Suriname (Psychiatric Centre Suriname)
Para	Paragraph
RAIO	Rechterlijke Ambtenaren in Opleiding (the course Judicial Officers in Training)
S.B.	Staatsblad (Official Gazette)
SEH	Spoed Eisende Hulp (Emergency Department of the University Hospital)

SGS	Structural Gold Sector Consultations
STIs	sexually transmitted infections
TIP	Trafficking in Persons
UN	United Nations
UNASUR	United Nations Association Suriname
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UPR	Universal Periodic Review
VOJ	Voortgezet Onderwijs Junioren (Highschool)
VOS	Voortgezet Onderwijs Senioren (College)
W.W.F	World Wildlife Fund
Yrs	years

I. Introduction

1. In accordance with article 40 of the International Covenant on Civil and Political Rights (ICCPR), the Government of the Republic of Suriname hereby submits to the Secretary-General of the United Nations its third periodic report for consideration by the Human Right Committee.

2. The Republic of Suriname became party to the international Covenant on Civil and Political Rights (ICCPR) by accession on 28 December 1976 (United Nations Treaty Collection: http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en). Pursuant to article 40 of the ICCPR, the Republic of Suriname has already submitted two reports. This combined third and fourth report covers the period 2003–2013.

3. This combined third and fourth periodic report, of which the third report was due by 1 April 2008, complements the previous reports submitted by the State party. This report adheres to the general guidelines for the submission of periodic reports provided by the Committee. It furthermore takes into account the concluding observations provided by the Human Rights Committee during its consideration of the second periodic report of Suriname at its eightieth session (30 March 2004, CCPR/CO/80/SUR). Also considered are the replies by the Government of Suriname on the concluding observations of the Human Rights Committee (10 July 2008, CCPR/C/SUR/CO/2/Add.1) and the follow-up on concluding observations (20 February 2009, CCPR/C/95/2).

4. The Republic of Suriname has yet to submit a common core document. In accordance with the reporting guidelines for States parties, this periodic report is a single document with two main sections and two additional sections.

5. The first main section (chapter II) is entitled "General information and responses to the concerns and recommendations of the Committee". It describes the general political structure of the country and recalls the framework in which human rights are promoted and protected. It also contains the responses of the Republic of Suriname to the recommendations formulated by the Committee during consideration of the second periodic report of Suriname.

6. The second main section (chapter III) relates to specific substantive provisions of the Covenant and reports on the progress made by the State in fulfilling its related obligations under the Covenant; chapter IV contains the closing remarks.

7. Chapter I contains the introduction and finally – after the two main sections – chapter V contains the final conclusion.

8. The present report should be considered against the backdrop of several key political developments in the Republic of Suriname, since it submitted its second periodic report in 2003. Following the second periodic report the Republic of Suriname has demonstrated that it continues its tradition of being a stable multi-party democracy with the successful holding of free and fair elections in respectively 2005 and 2010.

9. The Republic of Suriname also remains committed to the promotion and protection of Human Rights and the rule of law. It can be stated that human rights and fundamental freedoms are guaranteed and protected by the Constitution.

10. Suriname informs the Committee that this report is produced based on an inclusive, transparent and participatory process, which involved society as a whole, e.g. by soliciting comments and input via internet (http://www.gov.sr/sr/ministerie-van-juspol/actueel/bupo-

2013-concept.aspx). More specifically the public and private sector were consulted as well as civil society. The following agencies and organizations were involved:

Government agencies:

- Ministerie van Defensie/ Militaire Politie (Ministry of Defense/ Military Police);
- Ministerie van Onderwijs en Volksontwikkeling (Ministry of Education);
- Ministerie van Binnenlandse Zaken/Nationaal Bureau Genderbeleid (Ministry of Home Affairs/Bureau of Gender Affairs);
- Ministerie van Regionale Ontwikkeling (Ministry of Regional Development);
- Ministerie van Sociale Zaken en Volkshuisvesting (Ministry of Social Affairs and Housing);
- Ministerie van Justitie en Politie/Bureau Vrouwen en Kinder beleid (Ministry of Justice and Police/ Bureau Women and Children policy);
- Ministerie van Justitie en Politie/Doorgangshuis "Opa Doeli" (Ministry of Justice and Police/Shelter "Opa Doeli");
- Ministerie van Justitie en Politie/Delinquentenzorg (Ministry of Justice and Police/ Delinquent Care);
- Ministerie van Justitie en Politie/afdeling Wetgeving (Ministry of Justice and Police/Legal Department); and
- Korps Politie Suriname (Police Department);

Non-Government Organisations:

- Foundation Stop Violence Against Women;
- Foundation Ilse Henar Hewitt for Women's Rights;
- Foundation Projekta;
- United Nations Association Suriname (UNASUR); and
- LGBT Platform.
- Stichting Nabestaanden 8 December 1982, decided not to participate directly in the convened consultations, but due to the public availability of the draft of the report they were able to convey their comments and concerns via different fora, such as media. The conveyed comments and concerns have also been considered and incorporated in this report.

United Nations Agencies:

- UNFPA;
- UNDP and
- Pan American Health Organization (PAHO). (This is a regional specialized agency of the UN).

II. General information and responses to the concerns and recommendations of the Committee

A. General information

Physical characteristics of the Republic of Suriname

11. Suriname is situated in South America, between 2° and 6° northern latitude and 54° and 58° western longitude. About 80% of the land surface area is covered with neo-tropical vegetation. The average temperature is 27.3° Celsius. The highest temperatures are measured in September and October, the lowest in January and February.

Politics

12. Suriname is a constitutional democracy, with a President elected by the unicameral National Assembly or by the larger United People's Assembly: comprised of National Assembly members (51) and the elected members of the regional representative bodies, namely the District Council (106) and the Local Council (737). The United People's Assembly consists of 894 members. In 2005 and 2010 there were fair, free and secret elections, and the Republic of Suriname was ruled by the respective governments headed by democratically elected presidents. The President appoints the Council of Ministers. The last decade has been characterized by coalition governments formed by elected alliances of political parties. In 2005 and 2010 general elections were held and respectively the Venetiaan-Ajodhia Administration and the Bouterse-Ameerali Administration assumed power and the State is still governed democratically.

13. Chapter XI of the Constitution articulates that the legislative power is jointly exercised by the National Assembly and the Government. Chapter XIII, section 2 and Chapter XXI respectively articulate that the executive power is vested in the President and the local governments.

14. Chapter XV relates to the judicial power and regulates aspects such as the President and Vice-President of the High Court of Justice, the judges, the Procurator-General, and the Public Prosecutors.

Human rights

15. It can be stated that human rights and fundamental freedoms are guaranteed and protected by the Constitution in general, but more in particular in the chapters V and VI of the Constitution.

16. With reference to the initial periodic report of 1979, the present report reaffirms that Suriname is still a party to a number of UN and regional human rights instruments and mechanisms. Subsequent to the submission of the second periodic report in 2003, the following conventions on human rights and other relevant treaties were ratified by Suriname: the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and pornography (April 10, 2012); the United Nations Convention against Transnational Organized Crime, New York November 15, 2000 (25 May, 2007), the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, New York, November 15, 2000 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Rome Statute of the International Criminal Court (15 July 2008).

17. The judgments of the Inter-American Court of Human Rights closed the Aloeboetoe Case and the Gangaram Panday case. However, the Moiwana massacre case is mostly fully implemented. Reparations obligations stemming from the court judgments have been met, while criminal investigation in these cases is still pending. With respect to the Moiwana case the State is in the process of developing tailor made legislation and administrative and other measures necessary to ensure the property rights in relation to traditional territories of the members of the Moiwana Community, which includes land rights. This subject is still not resolved due to its complexity. For example: an indigenous tribe of the village Alfonsdorp, nearby to the Moiwana maroon village, claims the Moiwana area as their traditional tribal territory. Concerning the land rights of tribal and indigenous communities, Suriname is making a conscientious effort to deliver the most appropriate solution in order to fully comply and implement the judgment of the Inter-American Court of Human Rights in the Saamaka case.

18. Suriname has fulfilled its obligation to report to the UPR and clarified its report orally during the UPR sessions in May and September 2011 in Geneva. The Republic of Suriname has committed itself to a number of recommendations made under the UPR during these sessions and is currently engaged in the realization of these recommendations.

19. A number of socio-economic challenges faced by Suriname, such as the fight against poverty, land rights of Indigenous and Maroon tribal communities, illegal gold mining and the risk of pollution of the environment, and combating crime, require a significant amount of more time and resources e.g. funding and technical expertise, to be addressed effectively. For these reasons, the government of Suriname continues to work with national and international partners in an effort to respond to these challenges effectively.

Demographic information

20. Suriname is a multi-ethnic society among which two ethnic populations have a tribal social structure, namely: the Indigenous who live along the coast as well as deep in the interior and the Maroons, who are the descendants of runaway slaves and settled in the interior.

21. In August 2012 the Eighth General Population and Housing Census was held in Suriname. The result is published by the General Bureau of Statistics.[1]

22. According to the 2012 Census results, Suriname has an estimate total of 541,638 Usual Resident Population[2] living within an area of 16,594,000 ha. The capital Paramaribo and the district of Wanica, the urban districts, were inhabited by approximately 66.8% of the total population of Suriname in 2004 and 66.3% in 2009, while they cover only 0.4% of the land area. The district of Sipaliwini occupies the largest southern part of the country (79.75 of land area), the population is approximately 6.9% of the total population of Suriname in 2004 and 7.3% in 2009. The District of Coronie has the smallest population (0.6% of the total population of Suriname in 2004 and in 2009).[3] The interior is scattered with settlements of Indigenous and Maroon tribal communities.

[1] Results, Eighth (8th) General Population and Housing CENSUS, Volume I, September 2013.

[2] Idem, figure D0; Relation between *De Jure* and *De Facto* population, page 19.

[3] Human Development Atlas Suriname, United Nations Development Programme Country Office Suriname, 2013, pages 26 and 27 and General Bureau of Statistics (ABS) Suriname.

23. Suriname has an estimated 270,629 male population and a population of 271,009 females.[4] Furthermore, the age-group disaggregated national population data shows an estimated number of:

- 148,767 children between 0-14;
- 334,949 between 15-59;
- 54,527 older than 60 years;
- 3,395 unknown.[5]

24. The population of Suriname consists of various ethnic groups which continue to speak their own language, enjoy the culture of their native countries and are permitted to do so freely. Suriname is the world in miniature, consisting of Hindustani 148,443 (27.4%); Creoles 84,933 (15.7%); Javanese 73,975 (13.7%); Maroons 117,567 (21.7%); Chinese 7,885 (1.5%); Indigenous peoples 20,344 (3.8); Afro-Surinamese 3,923 (0.7%); Mixed Race 72,340 (13.4%); Caucasians 1,667 (0.3%); the rest 7,166 (1.3%); no race 1,805 (0.3%) and no answer 1,590 (0.3%) (based on the 2013 Census).

25. Dutch is still the official language and Sranan Tongo the lingua franca, while English is widely spoken. Furthermore the Asian languages Sarnami Hindi, Surinamese Javanese, and several Chinese dialects are spoken. Okanisi, Saamaka, Pamaka, Kwinti, Aloekoe and Matawai are Maroon spoken languages, while the spoken Indigenous languages in Suriname are Akurio, Carib, Trio, Wayana, Warao and Arowak.

Historical development of the law system in Suriname

26. From the 18th century Suriname was under the influence of the Roman Law, the Canon Law, the Common Law and the Old Dutch Law (Germanic). In 1869, through the codification, the Dutch legislation system was introduced in Suriname. Based on the concordance principle the law in effect in Suriname was harmonized with that of the Dutch colonizer. In cases where Dutch Laws were not applicable to Suriname, Governmental Laws were adopted.

27. Suriname became an independent Republic on 25 November 1975 and the Constitution of the Republic of Suriname became operative. Based on article II of the additional articles of the 1975 Constitution, all pre-independence legislative products obtained the status of Suriname Laws. On 25 February 1980 the democratic government was overthrown by a military coup d'état, followed by the inactivation of the 1975 Constitution by the subsequent military regime. In 1987, after a public referendum was held, a new Constitution was adopted, consisting mostly pre-independence provisions. With a few amendments, the 1987 Constitution is still in force.

Constitutional and legal and framework

28. Surinamese Law is divided into Public Law and Private Law and is a codified system. The legal framework has its foundation mostly in the Constitution and consists – among others – of Public Law, Civil Procedure, Civil law, Criminal law and Criminal Procedure. The hierarchy of statutory regulations in Suriname is in the sequence listed: 1) International Conventions, 2) The Constitution of the Republic of Suriname, 3) State Acts,

[4] Results Eighth (8th) General Population and Housing Census, Table 4: Population by citizenship, age and sex, page 44.

[5] Idem, Table E: Population in 2004 and 2012 by age group, as well as growth from 2004 to 2012, page 21.

4) Presidential Resolutions, 5) State's Decrees derived from State Acts and 6) Ministerial Decrees derived from the State Acts.

29. The Constitution of the Republic of Suriname is the supreme national law of the country. It sets out and defines the authority of main bodies of the State. All other legal regulations and laws must be in line with the Constitution otherwise they will be null and void.

30. The preamble of the Constitution embodies the guarantee that the principles of freedom, equality and democracy as well as the fundamental rights and freedoms of mankind will be respected. Chapters V and VI of the Constitution set out the different basic rights and freedoms as well as the manner in which they can be protected. Article 10 of the Constitution states that "Everyone has in case of infringement of his rights and freedoms a claim to a fair and public treatment of his complaint within a reasonable time by an independent and impartial judge".

31. Chapter XI of the Constitution articulates that the legislative power is jointly exercised by the National Assembly and the Government. Chapter XIII, section 2 and Chapter XXI respectively articulates that the executive power is vested in the President and the local governments.

32. Chapter XV discusses the judicial power such as the President and Vice-President of the High Court of Justice, the judges, the Procurator-General and the Public Prosecutors.

33. In sum it can be stated that human rights and fundamental freedoms are guaranteed and protected by the Constitution.

34. Suriname's law acknowledges two authorities that can administer justice: the Cantonal Court, which is the lower Court and the High Court of Justice, which is the Appellate Court (Art. 39 Constitution). Suriname also recognizes the original jurisdiction of the Caribbean Court of Justice for the interpretation of the Revised Treaty of Chaguaramas and the contentious jurisdiction of the Inter-American Court of Human rights.

35. The human rights infrastructure applicable to the Republic of Suriname has both a legal and an institutional component. The legal component includes the constitutional regulations, other national law of Suriname and international and regional treaty law. The institutional infrastructure is composed of Governmental institutions, non-governmental organizations and international and regional human rights mechanisms, all targeting different aspects of human rights.

Judiciary power: Judges

36. The judiciary is legally governed by the "Law on the Organization and Composition of the Surinamese Judiciary Power" and is composed by judges and public prosecutors. According to the aforementioned Law, the jurisdiction in civil and criminal cases is exercised by Cantonal Courts and the Court of Justice, except in cases where criminal jurisdiction is dedicated to another judge (Art. 2). Jurisdiction over civil and criminal matters is shared between three Cantonal Courts, which function as Courts of First Instance and the Court of Justice, which functions as an Appellate Court. The Court of Justice also exercises jurisdiction in criminal cases against political office holders[6] and in disputes between state officials and the State. The Court of Justice is the administrative governing authority of the judicial system and consists of a President, a Vice-President and a

[6] See Annex 1, The Constitution of the Republic of Suriname, Article 140. Also see paragraph 230 of this report.

maximum of 40 members.[7] The Court of Justice also employs a Procurator General, two Advocates General and a Registrar, who are all appointed by the President. (Art. 32) According to the acting President of the Court, there are currently 16 judges at the Surinamese Court of Justice. At this time the course Judicial Officers in Training[8] for Judges, is going on and in three years more judges shall be appointed.

Judiciary power: Public Prosecutors

37. Pursuant to Art. 3 of the Law on the Organization and Composition of the Surinamese Judiciary Power, the Procurator General and the Advocates General at the Court of Justice, the Chief Public Prosecutors, Public Prosecutors and substitute Public Prosecutors are charged with enforcing the laws, the prosecution of all criminal offenses, which are submitted to the Court of Justice and the District Courts and the carrying out of all the judgments of these Courts. The Procurator General of the Court of Justice is obliged to fulfill the orders, which in office are given to him by or on behalf of the President (Article 4). According to the Procurator General there are currently 21 members of the Public Prosecution Service.

Lawyers

38. Legally trained individuals, who meet requirements specified by the President of the Court of Justice, can be admitted to the Court of Justice as a lawyer. The President oversees the authorization and supervision of the activities of the lawyers, the exercise of discipline on lawyers as well as the determination of their professional dress (Art. 43 of the Law on Organization and the Composition of the Surinamese Judiciary Power). According to the Secretary of the Bar Association in Suriname there are 145 lawyers registered with the Bar.

B. Responses to the principle subjects of concern and to the recommendations formulated by the Committee during consideration of the previous reports

Constitutional and legal framework (Art. 2) (CCPR/CO/80/SUR, paragraphs 7 and 8)

39. According to the Speaker of the National Assembly, parliament recently – early August 2013 – received the amended draft law on the establishment of the Constitutional Court for review. This would be the second time in approximately a decade that parliament will review and debate the bill on the establishment of the Constitutional Court.[9] The State once again wants to highlight that in the instances defined by the Articles 137 and 106 of the Constitution, the Judiciary is competent to review incompatibility challenges of legislation with the Constitution or with human rights provisions of any Convention. The Government of Suriname aims at guaranteeing human rights and fundamental freedoms as laid down in different international documents on human rights and to punishing violations of these rights.

40. With respect to bringing to justice perpetrators of human rights violations committed during the military rule to court, Suriname notifies that the procedure started with the trial

[7] The Law on the Organization and Composition of the Surinamese Judiciary Power was amended on 31 March 2009. The maximum number of members of The Court of Justice of Suriname is brought from 15 to 40.

[8] In Dutch this course is named "RAIO", which stands for "Rechterlijke Ambtenaren in Opleiding".

[9] Radio-Suriname, www.radiosonline.nl/wetsvoorstel constititioneel-hof-bij-parlement/, 1 August 2013.

of the suspects in the so-called 8 December Murders process. The mega-trial on the 8 December Murders is currently ongoing and in advanced stage.

41. The National Assembly adopted the Law amending the Law of 19 August 1992 on the granting of amnesty to persons who, as from 1 January 1985 until the date of the enactment of this Act, have committed certain offenses defined herein (Amnesty Act 1989, SB 1992 No. 68, as amended by S.B. 2012 No. 49). According to the explanatory memorandum of this Amnesty Act also members of the National Army who have been guilty of the offenses referred are eligible for amnesty. The Explanatory Memorandum also emphasizes that the Moiwana Judgment of the Inter-American Court of Human Rights does not fall within the scope of the Amnesty Law, and therefore must be implemented unabridged. Article 2 of the Amnesty Law reads as follows: "1. However, the amnesty provided for in Article 1 shall not apply to offenses which must be regarded as crimes against humanity. 2. The term "crimes against humanity" as referred to in paragraph 1 means the offenses, which are identified as such, according to the applicable international law". Moreover, of note is that according to the Surinamese Criminal Code in these cases the right to prosecute is not barred by limitation (Article 96).

42. While the proceedings of the 8 December 82 case were at the stage of requisition, on 11 May 2012, there was an (intermediate) judgment given which has the character of an interim final decision. The prosecution was suspended until the Constitutional Court makes the decision whether the adoption of the Amnesty Law does not entail a violation of Article 131, paragraph 3 of the Constitution (Source: Public Prosecution Service). This article points out that "Any interference with the investigation or prosecution of cases, and those pending in court, is prohibited". Substantively, the Court-Martial did not reach a verdict whether the Amnesty Law entails a violation of the Constitution.

43. On Tuesday, August 13, 2013, the Court Martial declared one of the suspects in the 8 December process inadmissible with regard to his lodged petition to terminate the process. In a media exposure his lawyer explained that according to Article 28 of the Code of Criminal Procedure his client was entitled to petition the Court Martial, in order to terminate the criminal process against him. In an earlier attempt the same lawyer lodged a petition on behalf of 3 other suspects for termination of the 8 December process. These requests were also rejected by the Court Martial. In a newspaper interview the lawyer explained that the interim judgement left his clients in uncertainty on whether and how the criminal proceedings against them will be continued. Due to this uncertainty his clients requested the Court to consider the case as ended. The legal representative and his clients are of the view that the Prosecution and the Court Martial ignored the democratically enacted Amnesty Act (source: Legislative Office of the Ministry of Justice and Police and Times of Suriname online - Press Display.com, Thursday 15 August 2013) These subsequent Court rulings are additional evidence that the criminal proceeding against the suspects in the December 8 process is not terminated. It also demonstrates that the Court Martial operates justly, independently and impartially, even if it concerns the government. It must be noted that the draft law on the Constitutional Court is pending at the National Assembly.

44. As stated in the previous reports, the investigation and trial of mega-cases of which the offenses are committed during the military period require special expertise and time. The victims and their families from the Moiwana process were compensated in accordance with the judgment of the Inter-American Court of Human Rights. The same applies to the Gangaram Panday Case and the Aloeboetoe Case.

45. Due to the fact that many of the relatives of the victims of the Moiwana Case live in French Guiana and because of a lack of valuable witnesses – for a criminal prosecution – who want to testify, the criminal investigation has not yet reached a stage in which suspects have been identified. Although Mr. Andre Ajintoena, the representative of the relatives of

the victims and of the survivors in the Moiwana Case, publicly stated that witnesses are prepared to testify, no one has yet signed up to the police in order to give details and to make statements. The same applies to other human rights violations from the military period. The Code of Criminal Procedure is clear and provides guarantees for a fair trial and the State is bound by those rules. There is no danger for witnesses in criminal proceedings. This is reflected in the December 8 process, where witnesses have never faced any form of intimidation or risk for life or liberty. More evidence can also be found in the many regular public appearances of representatives of claimed victims of rights violations in which they freely express their allegations towards their perceived perpetrators, in complete absence of any form of threat.

46. With reference to Committees' communication Nos. 146/1983 and 148–154/1983 (*Baboeram et al.* v. *Suriname*) it should be stated that the right to life is duly protected in Suriname: (i) In the Criminal Code the deliberate killing of another is punishable under various offenses. The death penalty is still included in the Criminal Code and the Military Penal Code. However, the last time someone was sentenced to death was in 1927 (Nicodemus Charles Apatoe). In the draft of the New Penal Code, however, the death penalty is no longer included in the list of punishments. This draft is available for adoption now at the highest legislative body in Suriname, the National Assembly (DNA). (ii) The criminal investigation in the killings of December 1982 has now been completed and (iii) the trial of the suspects responsible for the death of the victims in that case is ongoing. (iv) Under the Surinamese law, both the Code of Criminal Procedure (Articles 316 and following) and the Surinamese Civil Code (Articles 1386 and following), it is possible for the surviving families to claim compensation. According to the criminal procedures the surviving families have to join in the trials for compensation and compensation is awarded only for actually suffered financial damage to a maximum amount determined by law, and the decision regarding the compensation is made by the ruling in the criminal proceedings. However, in civil proceedings the injured parties have the opportunity to claim compensation for the overall damage actually suffered. In the second option, in civil proceedings, the ruling usually happens after the conviction of the accused in a criminal trial. Once damages are awarded in the criminal trial, there can be no recourse to compensation at a later time in civil proceedings. Similarly, when damages are already claimed in civil proceedings, compensation cannot be claimed in a criminal proceeding. In the 8 December criminal trial the next of kin have not joined in a compensation claim, nor is a claim for compensation brought before a Civil Court.

Implementation of article 23 of the Constitution in conformity with article 4 of the Covenant (CCPR/CO/80/SUR, paragraph 9)

47. Individual civil and political rights are established mainly by the Constitution of the Republic of Suriname, which was adopted by a public referendum in 1987. Some amendments have been made to the Constitution, by Act of 8 April 1992 "Amending the Constitution of the Republic of Suriname".[10] Suriname's commitment with regard to the enjoyment of the fundamental human rights and freedoms in a democratic society appears from the following citation from the preamble of its Constitution: "Convinced of our duty to respect and guarantee the principles of freedom, equality and democracy as well as the fundamental rights and freedoms of man". From Articles 105 and 106 of the Constitution[11]

[10] A copy of the English translation of the text currently in force is attached to this report. See Annex 1.

[11] Article 105 states that the provisions of agreements with other powers and international organizations, which may be directly binding on anyone, shall become effective upon promulgation, and art. 106 states: "Legal regulations in force in the Republic of Suriname shall not apply if such application

it appears that the Constitution gives effect to the rights recognized in the Covenant. Article 23 of the Constitution reads as follows: "In case of war, threat of war, state of siege or state of emergency or for reasons of state security, public order and good morals, the rights mentioned in the Constitution may be subject to limitations determined by law, which will be in force during a certain time, depending on the circumstances, in compliance with the international rules applicable in respect thereof." This implies that the relevant human rights, as guaranteed by the provisions of the Covenant, are not put aside unless there is the situation referred to in Article 4 of the Covenant. The meaning of public emergency in Article 4 of the Covenant corresponds to the situation referred to in Article 23 of the Constitution of the Republic of Suriname. The condition of war, threat of war, state of siege or state of emergency or for reasons of state security, public order and good morals, are all considered "a threat to the well-being of the nation and its existence"[12], and justify (continued) derogation from particular rights. There is no other national legislation that further spells out the modalities under which articles 23 of the Constitution may be invoked.

Gender equality and principle of non-discrimination (arts. 3 and 26) (CCPR/CO/80/SUR, paragraph 20)

48. In the Personnel Act there are still provisions with a discriminatory character, which are not amended or abolished (Articles 15.1, 47.9, and 69.3). These Articles prescribe among other things, the position of the married woman in the public service. These provisions are in fact "mass of dead letters" because they are not applied in practice. Article 45.4 has been amended by Presidential Decree 1990 (SB 1990 No. 36) and 2003 (SB 2003 No. 77), which make it possible that the right to salary during maternity leave is maintained. The Ministry of Home Affairs started the process of modernizing the complete Personnel Act, which process is expected to be finalized in 2013. (Source: Ministry of Home affairs).

49. The State is aware of the discriminatory character of attachment-I to the Identity Act (SB 1976 No. 10). The Central Bureau of Civil Affairs (CBB)[13] has in its pipeline a proposal to amend the attachment, so that married women are no longer legally obliged to also carry the name of their spouse. Married women will freely decide whether or not they will officially carry their husband's name. At present the passport instruction (SB 2005, No. 2) can be considered as an interim measure.

50. The State also found that Articles 3, 8.3 and 8.6. 10, 12, 13, 14, and 15 of the Nationality and Residence Act have a discriminatory character. A revised Act has been drafted by the Ministry of Justice and Police (according to the Ministry of Home affairs). The revised Act is currently under review.

51. To eliminate the discriminatory impact, the State amended Articles 15.2, 41, 47, and 73.1 of the Electoral Law of 1987 (Elections Act). The amendment was adopted in 2005 and relates to the registration under the maiden name of married female candidates on the ballots and of married females on the voters list. Married women who prefer to appear under both their maiden and (deceased) husband's name, have to request that. These new regulations have been applied for the first time in the 2010 general elections. It is worth mentioning that 1693 women, of whom 1360 were married and 297 widowed, did not oppose the application of these legal provisions to their case. Prior to the amendment

should be incompatible with provisions of agreements which are directly binding on anyone and which were concluded either before or after the enactment of the regulations".

[12] Article 23 of the Constitution of the Republic of Suriname.

[13] CBB stands for "Centraal Bureau Burgerzaken" (Central Bureau of Civil Affairs).

married women, both candidates and voters, were legally obliged to be listed under their husband's or deceased husband's name.

52. There is a draft amendment to the Criminal Code presented to the State Council, with provisions that criminalize gender-based discrimination (Source: Ministry of Home Affairs).

Right to life and prevention of torture (Arts. 6 and 7)(CCPR/CO/80/SUR, paragraphs 7, 8, 10, 11 and 12) (CCPR/C/95/2, p. 7 – paragraph 11)

53. The death penalty has not been abolished in Suriname. It is still listed in Article 9 of the Surinamese Criminal Code and Article 349 of the Surinamese Criminal Code states that: "He, who intentionally and with premeditation takes the life of another, is guilty of murder, punishable by the death penalty or with life imprisonment". (Life imprisonment is maximum twenty years in Suriname.) The death penalty is also listed in Article 6a of the Military Code, which regulates the rules with regard to Military Law. The Court Martial can only enforce the death penalty with unanimous decision. This is being determined by Article 9 of the Military Code: "Upon a conviction of a crime which has the death penalty, one cannot be penalized until a unanimous decision has been made". According to Article 10 of the Surinamese Criminal Code, the death penalty is executed as follows: The executioner carries out the death penalty on a scaffold with a noose tied around the convicted person's neck and attached to the scaffold, and a hatch is opened under the convicted person's feet. In case the death penalty is being declared on the basis of the Military Code, then it can be carried out by shooting: "The death penalty is carried out by shooting. Other regulations with regard to this are being regulated by the State's resolution". (Article 7 of the Military Code.)

54. The President of the Republic of Suriname can pardon a convicted person on death row, in which case the sentenced is reduced to life imprisonment. Article 29 of the Surinamese Criminal Code states that the above mentioned person, who serves two thirds and at least nine months can be equated of the remaining time. In the draft revised Criminal Code the death penalty is repealed. The draft revision of the Criminal Code is already approved by the Council of Ministers and has already been addressed by the Advisory Council, and now needs the approval of the National Assembly (as legislators). No similar action has been undertaken with regard to the Military Code.

55. It is observed that sentiments as explained by the State representative during the sessions regarding the initial periodic report, (paragraph 298, *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 40* (A/35/40)), still exists. In more recent public discourses on this topic, members of Parliament, other high profile politicians and members of the wider public have expressed their unwillingness to abolish the death penalty, which they consider a deterrent. The death sentence could, according to the law, be imposed only for murder, first-degree manslaughter and piracy.

56. On 11 December 1987 the Republic of Suriname became a Party to the Inter-American Convention to Prevent and Punish Torture (regional). However, up until today, no concrete State actions have been taken towards becoming a State Party to the United Nations (international) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

57. Equally to other citizens who commit human right violations, also members of the armed forces are tried in the case of human rights violation allegations. In the past 10 years, several policemen and soldiers who have committed murder, manslaughter, theft and other forms of human rights infringements have been adjudicated guilty. A 2003 to July 2013 overview of the number of police officers that have been arrested and taken into police

custody due to alleged violent crimes and capital crimes committed in service, is included below:

Year	*Violent crimes*	*Capital crimes*
2003	arrests: 9 police custody:4	None
2004	arrests: 9 police custody:6	None
2005	arrests: 8 police custody:1	None
2006	arrests: 9 police custody:6	arrests: 1 police custody:1
2007	arrests: 13 police custody:7	None
2008	arrests: 5 police custody: 3	arrests: 3 police custody: 3
2009	arrests: 5 police custody:1	arrests: 1 police custody: 1
2010	arrests: 14 police custody:10	None
2011	arrests: 12 police custody:3	None
2012	arrests: 27 police custody:10	arrests: 2 police custody: 2
2013 until August	arrests: 17 police custody:7	None

Source: Personnel Investigation Department (OPZ) of the Police Corps of Suriname.
Note: A police custody is preceded by an arrest.

58. During the Criminal Court procedure and investigation, no distinction on the bases of person, race, religion or status is made and the principle of equality is observed in the trial. This also applies to officials who have to deal with prisoners, such as police officers, correctional officers and members of the military police.

59. Sexual abuse of detainees like homosexuality is still a taboo and the reporting of these cases is often kept secret by the detainees. In case of a report or when the penitentiary officers come to know this, the police has been involved immediately, there is criminal investigation and the victim is supported accordingly, medically and therapeutically, by social officers.

60. The detainees have the right to medical treatment. Regarding HIV, after consultation with the prison physician a medical examination is done or when there is a suspicion of such a case at finding symptoms in a detainee. Regarding TBC, there is a program to screen all the detainees, this year and this will be done each year. The suspected cases will be separated and the concerned detainees will be transferred to other locations (prison or medical center) and will get treatment. The penitentiary official is not educated to handle or deal with mentally ill detainees. For these detainees a psychiatric professional will be hired,

because the contract of the current psychiatric professional has expired. (Source Ministry of Justice and Police, Head Department of Delinquents Care).

Combating domestic violence

61. The Act containing provisions on the protection against domestic violence was adopted on 20 July 2009 (Combating Domestic Violence Act, published in Government Gazette SB 2009 No. 84). This law is gender neutral and therefore it protects women and men. Furthermore, it also protects children, parents, grandparents, family members and the weaker and vulnerable members of the household. Pursuant to this Act in situations of domestic violence a protection order may be requested. To cater to the need for rapid protection this Act entitles the petitioner to a Court decision within two months after submission of the application, regardless of the issuing of a protection order. To bridge the two months – in case needed – the Act also provides for the issuing of an interim Court injunction. Upon receiving a request for a protection order the Court can issue an interim injunction at any time, even before the commencing of the hearings. The protection order includes different prohibition and mandatory clauses, of which certain mandatory provisions are provisional. These protection orders have a civil basis. Infringing certain orders or prohibitions ruled by the Court, puts the offender at risk of receiving a prison sentence, a fine or both. The protection order procedure does not exclude criminal prosecution in the case where the act of domestic violence also qualifies as a criminal offense. The criminal Court procedure and the civil Court protection order procedure can take place simultaneously. A protection order can also be requested in cases of marital rape. Aside from the legal response to domestic violence, also media awareness campaigns and workshops were held, led by the Ministry of Justice and Police and by various NGOs. (Source: Ministry of Justice and Police / Bureau Women and Children Policy).

62. In the past period several laws have been enacted such as: a) The Law on Combating Domestic Violence (SB 2009 No. 84). This law aims at providing protection in an early stage and through a quick response procedure to victims of domestic violence. b) The revision of the Criminal Code regarding Indecency (Moral) Offenses (SB 2009 No. 34). With the revision rape within marriage and rape of men among other things has been penalized. c) The Law on Stalking (SB 2012 No. 70).

Prohibition of slavery and slavery-like practices (Art. 8) (CCPR/CO/80/SUR, paragraph 13)

63. Provisions regarding trafficking in women and male minors have been amended and/or included in the Criminal Code. Pursuant to these amendments both sexes are protected against trafficking and the amendments have become effective as per April 2006 (SB 2006 No. 42). These legal provisions have been amended according to the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air. To date, Suriname has the following legislation that relates to human trafficking: The Constitution, Article 9 that prohibits slavery and Article 15 that prohibits forced labor. Human trafficking is prohibited and punishable under Article 307 of the Criminal Code. Other Criminal Code provisions are Article 249 regarding illegal return to Suriname, Article 249a regarding smuggling, Article 284 regarding falsifying travel documents and Article 188 regarding Criminal organization.

64. The Indecency offences are now formulated in a gender neutral way, in order to protect men and women. and have been aligned with the United Nations Convention against Transnational Organized Crime and its related protocols, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

and with the Convention on Cybercrime. The law prohibits all forms of trafficking in persons. The penal code specifically prohibits trafficking in persons for sexual and other purposes. The law covers internal and cross-border forms of trafficking. The maximum penalties for trafficking in persons for sexual exploitation and labor exploitation such as forced or bonded labor and involuntary servitude range from 8 to 20 years imprisonment. The Prosecutor General's Office may charge dual penal sanctions against a trafficker for both the act of trafficking and for the rape of a victim. The government provides free legal services and, optionally, shelter to trafficked victims.

65. There are no statistics on trafficking in persons (TIP) cases for the period before 2009. In the year 2009, the Counter Trafficking in Persons Unit was disconnected from the Youth Department of the Surinamese Police Corps. The trafficking and smuggling case "Curacao" was identified, investigated and solved. The criminal organization, responsible for the trafficking and smuggling, was made visible and dismantled by law enforcement. This organization was comprised of Surinamese nationals and non-Surinamese nationals. In 2010, 12 human trafficking cases were investigated. The Counter Trafficking in Persons Unit was involved in brothel control activities, which includes observation activities, raiding brothels, information gathering and joint elaboration with other departments, and providing awareness-programs together with the Department of Youth Affairs in various schools. There were no additional figures and additional specifications kept of trafficking cases. In 2011, the administration began to take shape. Based on tips, suspected human trafficking cases have been investigated and many controls have occurred. In 2012-2013 there have been 7 cases.[14]

66. There has been a government Anti-trafficking Working Group within the Ministry of Justice and Police since 2003. The working group's main task is to function as an interagency coordinator of anti-trafficking efforts, to assess progress and to coordinate new actions. One of the specific tasks of the group is to assess and report on the characteristics and aspects of trafficking and subsequently formulate strategies for an effective and sustainable national response. Other specific tasks relate to the provision of advice and to coordination activities necessary for the planning, preparation and implementation of government activities aiming at combating human trafficking in the broadest sense. The coordination activities include monitoring and evaluation of the national strategic plan as well as activities such as awareness campaigns on television and in schools and workshops. The Working Group Counter-Trafficking in Persons and international organizations, in particular IOM, have a good working relationship.

67. The numbers of human trafficking cases that have been examined in the last three years demonstrate that the Counter Trafficking in Persons Unit of the Law Enforcement Corps and the Public Prosecutions Department aggressively implement an investigation and prosecution policy. All suspected trafficking cases are subject to criminal investigation and the suspected perpetrators are being prosecuted and eventually convicted. The Public Prosecutions Department also has a Trafficking in Persons Unit. Law enforcement collaborates with counterparts in Guyana, Trinidad and Tobago and the Dominican Republic, and justice officials sought improved mechanisms for cooperation with Columbia and French Guiana. Illustrative for international cooperation on this matter is the case in which Suriname requested the cooperation from Trinidad and Curacao in the investigation of a case involving 23 individuals who were suspected to have been trafficked to Trinidad and Tobago for forced labor. The government of Curacao cooperated by extraditing four suspected offenders – to Suriname – who were arrested in connection with this respective

[14] See annex 2, information and statistics from the Counter Trafficking in Persons Unit of the Police Corps of Suriname, and details and the number of TIP cases from the Working Group on Trafficking in Persons.

case. In other trafficking cases, for example, Suriname collaborated effectively with Guyana.

68. Law enforcement officers have been trained to recognize trafficking circumstances and to identify trafficked victims. A variety of ongoing trainings are provided to government administration officials of the border districts, detective services, foreign services, members of the Military Police (Immigration), customs officials, labor inspectors, social workers, youth parliamentarians, journalists, officials of the Immigration Department of the Ministry of Justice and Police and other actors who most likely come in contact with victims. Aside from the border districts focused trainings, members of the Public Prosecution Service and Judges are also trained. Forthcoming – second half of 2013 – is a trafficking in persons workshop and a presentation of a draft policy on this topic, to be organized by the Government Anti-trafficking Working Group. There are various awareness programs and activities, such as informative movies, television programs and school projects. Individuals working in the area of combating trafficking of persons also participate in training and course programmes abroad (Bahamas, South Africa, El Salvador, and the USA). In close cooperation with the Counter Trafficking in Persons Unit of the Public Prosecution Service, the special Counter Trafficking in Persons Unit of the law enforcement Corps of Suriname is actively investigating suspected cases. The special Counter Trafficking in Persons Unit of the law enforcement Corps works closely with the Government Anti-Trafficking Working Group.

69. Regarding the legal response to foreign victims of trafficking in Suriname, regulations are being drafted to grant a temporary residence permit to this specific category of foreigners. After evaluation this draft regulation will be reviewed and presented to the Minister of Justice and Police for approval. Victims with an irregular status are not deported and, if necessary, in cooperation with NGOs, victim assistance is offered, for example, shelter. Victims will at all times be free to decide to return to their country of origin.

Treatment of prisoners and other detainees, liberty and security of the person, and right to a fair trial (Arts 9, 10 and 14) (CCPR/CO/80/SUR, paragraphs 14, 15. 16 and 17) (CCPR/C/95/2, p. 7 – paragraph 14)

Legislation

70. Article 132 of the Constitution stipulates that "Civil and commercial law, civil and military penal law and procedure shall be regulated by the legal provisions provided by the respective codes, notwithstanding the attributed power to the legislature to regulate specific issues through the adoption of separate laws."

71. In Detention Institutions the treatment of individuals deprived of their liberty is governed by the Imprisonment Legislation, which sets, inter alia, guidelines for the treatment of prisoners. According to the law, it is prohibited to house pre-trial detainees jointly with already sentenced persons in Suriname. The Code of Criminal Procedures provides instruction norms on the treatment of pre-trial detainees and deportation-related detainees, securing the rights they enjoy.

72. In order to improve prison conditions, including overcrowding and good sanitation, the New House of Detention, which has a cell capacity of 350 detainees, was put into service on 8 December 2008. The maximum capacity is never exceeded. Furthermore, the prisons at various police stations have been renovated (Station Kwatta, Station Nieuwe Haven, Station Nieuwe Grond, Station Uitvlucht, Station Leiding and several Stations in the district Nickerie). All custody facilities of the police stations that are in need of renovation will be renovated.

73. The treatment of prisoners and other detainees has been carried out according to the penitentiary legislation and the internal rules (house rules). As usual and according to the aforementioned legislation and rules the detainees have been limited in their freedom. Detention in lock up occurs from 18.00 till 06.00. From 06.00 to 18.00 the detainees are free in their movement and during these hours they are part of the labour therapy process, which means that they engage in all kinds of activities approved by the management for which they get paid. Other activities which take place are: literacy and computer courses. Soon two other courses will commence. The maximum capacity of PID (Penitentiary Institution Duisburg) is 228 detainees and the aim is to not exceed this maximum. Currently there are 223 detainees, from whom 194 are prisoners and 8 are not sentenced and 21 have an appeal case. The maximum capacity of PIH (Penitentiary Institution Hazard) is 100 detainees and this maximum was exceeded just once in the past. Currently there are 86 detainees, from whom 81 prisoners and 5 have an appeal case pending. The Maximum capacity of HvB (House of Detention) is 350 detainees, which is never exceeded. Currently there are 344 detainees, of whom 154 are prisoners, 147 are not sentenced and 43 have an appeal case pending (Source Ministry of Justice and Police). Statistics regarding persons deprived of their liberty based on the Criminal Code are attached in Annex 3.[15]

74. The living conditions of the detainees in the institutions are fair:

- In PID and PIH there are 3 or less detainees in a lock up with everyone having their own bed. In HvB there are 6 or less detainees in a lock up with everyone having their own bed as well.
- Variation in food. Meat or fish combined with vegetables. PID and PIH have their own kitchen where food is prepared by penitentiary officers and detainees, while the food of HvB is tendered out. The quality of the food is good.
- Fair medical service (free) for all detainees. Currently a TBC program is carried out in the prison, by which all the detainees will be tested (free).
- Fair hygiene in the prison.
- Rehabilitation opportunities (sport) and courses (computer).

75. The Surinamese civil law legal system does not know the phenomenon of "bail".[16] Article 56 of the Code of Criminal Procedure gives the cases and the grounds on which police custody may be ordered. Paragraph 1 regulates that an "order to place someone in custody can only issued legitimately in the case where serious suspicion is raised against someone and in the circumstance that harbor the risk of danger or flight or due to the existence of weighty reasons of social security." Paragraph 2 of this article indicates when a custody is not pursued, namely: "in the case where the likelihood of an imprisonment sentence or custodial measure is absent, or that in the execution of an eventual warrant the sentenced would remain deprived of his/her liberty for a period of time exceeding the duration of the penalty." Paragraph 3 under a, indicates that the warrant may be issued "In the case of an offense punishable by statute to imprisonment, if the suspect has no permanent place of residence in this country." Also paragraph 3 under b indicates that the warrant may be issued "in the case of an offense punishable by statute to imprisonment of four years or more, or ...." because of one of the offenses listed exhaustively in paragraph 3 under b.

[15] See Annex 3, Lists of detainees on an annual basis from 2003 to 2012, issued by the General Bureau of Statistics of Suriname.

[16] This is stipulated in Art. 70(1)(2) of the Code of Criminal Procedure.

76. However, the prosecution policy of the Public Prosecutions Service aims at minimal usage of the instruments of police custody and pre-trial detention. Therefore, in each case in order to decide on police custody, the investigating officers should consult with the public prosecutors. The internal guidelines of the Public Prosecutions Department on police custody and pre-trial detention are in line with the law as described in para. 73. Furthermore, the pre-trial detention is kept as short as possible. At the criminal hearings the judge may suspend the pre-trial detention under certain conditions, such as prompt visiting of the hearings and no risk of recommitting the offense or based on a notification obligation order to the Public Prosecutions Service as laid down in Article 70(1) of the Code of criminal Procedure.

77. Updated statistics on the prison population and the proportion of those awaiting trial and convicted detainees are attached as an Annex to this report.[17]

78. The First Division Title IV of the Surinamese Code of Criminal Procedure, titled "some special coercive measures" gives norms concerning the arrest and detention of suspects. These norms provide sufficient safeguards for the rights of the suspect, thereby, they inter alia minimize the risk of violating the rights of detainees. These aspects of the criminal system are constantly monitored and evaluated in order to identify areas in need of legislative reforms to further ensure respect for human rights of detainees in accordance with international norms.

79. Suriname brought its legislation into conformity with Article 9, paragraph 3, of the Covenant. This was recently done through the enactment of the Law of 20 February 2008, amending the Surinamese Code of Criminal Procedure (S.B. 2008 no. 21). The warrant of custody is effective for up to seven days (Art. 49(2)). In exceptional instances it can be extended for up to 30 days by the public prosecutor (Art. 50(1)). Pursuant to Article 53, after a suspect is arrested, within 6 hours a decision must be made on whether custody will follow. Article 54a gives the suspect immediately after his custody the opportunity to challenge the custody order before a judge. The person in custody must be heard immediately by the investigating judge. Article 54a(1) is complemented inter alia with the instruction norm that the suspect must be brought before the investigating judge within 7 days from the arrest, to review the lawfulness of the custody. Now after his arrest, the period of 44 days before a detainee was brought for the first time before a Judge was reduced to within 7 days. The warrant of detention in police custody under article 49(1) of the Code of Criminal Procedure shall be granted in case of an offense for which custody is permitted.

80. The Law on the Organization and Composition of the Surinamese Judiciary Power was amended on 31 March 2009. The maximum number of members of the Court of Justice of Suriname was brought from 15 to 40 (Official Gazette of the Republic of Suriname 2009, no. 3). In practice, a shortage of judges and prosecutors caused exceeding of the reasonable time in the criminal process (according to international human right standards). This backlog is being slowly caught up due to the appointment of more judges and prosecutors. To this end the course "Rechterlijke Ambtenaren in Opleiding" ("RAIO"), which stands for Judicial Officers in Training, started courses for judges and magistrates. The first groups of graduates have been appointed as members of the judiciary in accordance with the Law on the Organization and Composition of the Surinamese Judiciary Power.

[17] See Annex 3, Statistics on prison population.

Incommunicado

81. In principle detainees are guaranteed unrestricted contact with the counsel of their choice. The counsel has free access to the detained (Article 40(1) of the Code of Criminal Procedure). The counsel can discuss substantial and procedural matters related to the case. The detained and counsel can exchange letters without having to disclose the content to others. In addition the contact between detainee and counsel – in practice – is governed by the internal regulations of the detention facilities. In this context both detainee and counsel are required to cooperate with eventual examinations.

82. In the period between the submission of the second report and August 2013 no cases of incommunicado detention were registered. There are no cases known of suspects who were kept in custody without their family being informed or where all contact with the outside world (e.g. doctor, family) was denied. The Surinamese Code of Criminal Procedure provides sufficient safeguards against incommunicado detention.

83. The in principle unrestricted contact between detainee and counsel can be restricted or contact can even be denied temporarily in the interest of an ongoing investigation. During the preliminary inquiry the magistrate, and during the preliminary investigation the prosecution officer, can always restrict or deny any form contact, including the exchange of letters or other documents, between counsel and detainee. The order articulates the specific circumstances and grounds that are the basis of the decision and the duration of the restriction. The restriction of free contact between counsel and detainee cannot be issued for a longer period than necessary and justifiable based on the articulated circumstances and grounds of the order. In any case the order cannot exceed a maximum of eight days. In the interest of the investigation prompt notice of a respective order shall be given in writing to the counsel and detainee (article 40(2) of the Code of Criminal Procedure).

84. The detainee and his counsel can lodge an appeal against the order before the Court of Justice, which decides as soon as possible, after having summoned in writing. (Article 40 (3) of the Code of Criminal Procedure).

85. All filed complaints of ill-treatment of persons in custody and detainees against law enforcement officers are investigated by the Personnel Investigation Department (OPZ). This is a special unit within the law enforcement system. All other ill-treatment complaints that are not against law enforcement officers are investigated by the police except for cases of military detention, which are investigated the military police. Based on Article 145 of the Constitution and Article 136 of the Surinamese Code of Criminal Procedure the investigations are carried out under the direction of the Procurator General (Public Prosecutor). The Civil Code, respectively the Civil Procedural Code, provide victims of ill-treatment with the legal remedies of full reparation and compensation against the perpetrators and / or against the State. A human rights course is a core component of the training curriculum of (military) police officers and correctional officers.

86. Complementary to the previous paragraph, the State reiterates its earlier response (CCPR/C/SUR/CO/2/Add.1), paragraphs 3, 5 and 6, as it still applies to the issue of ill-treatment of custodians and detainees by law enforcement officers.

- (para. 3) The "Complaints Desk", a department of the Ministry of Justice and Police which reports directly to the Minister, is authorized to deal with complaints of ill-treatment of detainees by police officers. This department was established in May 2005 and operates along with the Central Inspection Department of the Police which falls under the office of Chief Police Officer. The Complaints Desk is in charge of supervising compliance by police officers with their code of conduct. Both departments follow up on complaints of police misbehavior but are also authorized to conduct investigations on their own authority. They both liaise closely with the

Attorney-General's Office in case there are reasons to suspect ill-treatment of a detainee.

- (para. 5) In instances where the complaints indicate punishable acts, the Attorney-General immediately initiated prosecution and appropriate penal sanctions were imposed by the Criminal Court. Both are independent authorities.
- (para. 6) In instances of violation of the Police Charter or code of conduct, appropriate disciplinary measures are, depending on their respective authorities, taken by the Minister of Justice and Police or the Chief Police Officer. Compensation is subject to a judgment of the civil court. Human rights training has recently been included in the official training of law enforcement personnel and a public prosecutor is now specifically charged with alleged human rights violations. Strict adherence to these regulations and practices should ensure a reduction of instances of ill-treatment caused by misbehavior of police officers.

87. The Court Martial is in first instance composed of a Judge of the Surinamese Court of Justice and two military officers. In appeal the Court is composed of two members of the Surinamese Court of Justice and one military officer. The member of the Court of Justice presides the Court Martial and has a decisive vote. This shows the independence of the Court Martial. The military are members of the Court Martial due to their expertise on military issues. The sessions of the Court Martial are public, and thus accessible by everyone.

88. The jurisdiction of the Court Martial extends to dealing with criminal cases of suspects who are: Surinamese military servants, private citizens who were Surinamese military servants at the time they committed the offense and cases in which the prime suspect is a military servant, while one or more of his accomplices are private citizens whose cases are conjuncted with that of the military prime suspect. The competence of the Court Martial relates to all offenses of the general criminal law and those under special laws. The Appellate Court Martial is also appointed by law to examine the decisions of the internal penal authority of the military organization.

89. Juvenile Detention of criminal offenders above the age of 10 years is both factual and legally justified. A legal determinant for detention is the seriousness/nature of the committed criminal offence, for example acts of indecency, robberies, grave abuse, homicide and manslaughter. Factual determinants in addition to the legal are for example the home situation and lack of adequate supervision. At the Public Prosecutions Department there are also informal internal guidelines in force, citing that children under 12 years are not taken into police custody or detention. As an *ultimum remedium* it only happened once (2011) when a 10-year-old boy, who presented a threat to his entire environment and to himself, was taken into custody and persecuted. In this case the offender (10-year-old boy) physically assaulted his grandmother with a hammer on her head. He was addicted to hard drugs and sexually assaulted his younger sister repeatedly. The commitment policy in respect of juveniles is in general based on the Convention on the Rights of the Child. The practice in Suriname is that children are committed from the age of 12 years. The draft legislation amending the Penal Code increased the age of criminal responsibility from 10 years to 12 years. Children between 10 and 12 years old are only committed when a very serious punishable act is involved and in case the care of the child at home is no longer possible and there are no other alternatives.

90. The material conditions of juvenile detainees are good, as well as the services provided to them such as food, physical and mental health care, education and recreation. Special attention is given to their mental state and their physical condition. Juveniles placed in the correctional center, referred to as Opa Doeli, receive counseling and guidance. At Opa Doeli residents are also provided with primary education. Detained juveniles can also

attend school outside the institution when they have to attend Junior Secondary General Education or Secondary education or vocational education such as Technical Education. In addition, juvenile detainees receive counseling by the Judicial Child Protection Service (called JKB). They engage in sports and other recreational activities at Opa Doeli, which should contribute to their rehabilitation. Furthermore, religious activities are organized, led by clergymen of various religious organizations in Suriname. During the holidays the adolescents who have performed well in school and show good behavior can go home to their family to spend the holiday, unless the home situation does not allow this. Medical care is also provided. Due to the small number of detainees, there is a permanent medical practitioner available for the adolescents of Opa Doeli. Also specialized health care is provided for the detainee, for example a visit to the dentist, outside the correctional facility. The juveniles are also accompanied by a social worker. If necessary, they can also see a psychologist and child psychiatrist. Furthermore, every adolescent who is in police custody is provided with a legal advisor. In all the cases where children are placed in Opa Doeli, rehabilitation is better ensured than at home.

91. Article 12 of the Imprisonment Act explicitly prohibits the combined housing of sentenced juveniles with adult prisoners. Furthermore, the authorities do not consider the current housing of the correctional center for juvenile offenders within the walls of Central Penitentiary facility, Santo Boma (CPI), an ideal situation, although all the juvenile facilities are completely separated from the facilities used by the adult CPI residents. This understanding and the fact that the current juvenile facility does not meet all the requirements have the attention of the authorities. There is now a youth correction facility built in the village of Santo Boma. The construction works of this juvenile facility are in its final stage. The facility will work closely with "Opa Doeli". This new juvenile facility is located in the same district as the Central Penitentiary, Santo Boma, but not on the same property.

92. Pursuant to Article 16 in conjunction with Article 40 of the Code of Criminal Procedure every minor charged with a criminal offense is assigned to a counsel. There is a weekly roster of attorneys and this system works well. The place of custody of young persons is the police station for juveniles. Minors are placed in the state judicial institution for juveniles, the so-called "Jeugd Opvoedings Gesticht" (Youth Educational Institution).

93. With regard to Article 24(1) of the Covenant it must be stated that in the years before 2009, in 2009 and in 2010 the Ministry of Justice & Police organized training sessions on children's rights and on the principle of the best interest of the child, for judges, prosecutors and lawyers, so that decisions on children can be taken in the best interests of the child. A follow-up of this training is also provided in 2013.[18]

94. The legal maximum for pre-trial detention is 217 days. This is regulated by the Code of Criminal Procedure. Police custody is allowed for maximum of 7 days (Article 48), with the possibility of this period being extended once for 30 days (Articles 51 and 55). If the suspect is not released or his case is not heard in court after the 37 days, the public prosecutor will request the supervisory judge that the suspect stays in remand custody for the period of 30 days. This remand in custody can be extended 3 times by 30 days (Article 56, 139 and 168). This brings the number of days in custody to 157. If a judicial investigation is demanded, the remand custody can be extended by 30 days more (Article 139, 168 and 169). This brings the maximum time in custody to 157 + 60 = 217 days. In practice according to the internal guidelines of the Procurator General cases must, as much as possible, be brought within 30 days to court. In major cases involving very serious offenses, which require more research, it may be waived.

[18] Source, Ministry of Justice & Police.

Protection of children (Art. 24) (CCPR/CO/80/SUR, paragraphs 18 and 19)

95. By adopting ethnic, gender and other status neutral legislation and policies on general legal entitlements of a child, the State guarantees that every child regardless of ethnicity or other discriminatory grounds can freely and fully enjoy its rights recognized and granted by the international conventions.

96. The Surinamese government aims to ensure that by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling. The Suriname MDG Progress Report 2009 mentions that the policy of the government is aimed at providing 100% access by children to basic education and guarantee equity regarding the quality of education. The primary school attendance[19] in 2006 in the districts was: Marowijne and Commewijne 96.0%, Paramaribo 96.5%, Wanica and Para 95.6%, Saramacca, Coronie and Nickerie 96.6%, Brokopondo and Sipaliwini 82.8%. The primary school attendance in 2010 in the districts was: Marowijne 95.6%, Commewijne 95.8%, Paramaribo 97.5%, Wanica 94.3%, Saramacca 96.2%, Para 96.3%, Brokopondo 94.3%, Sipaliwini, 89.0%, Coronie 100.0% Nickerie 97.7%. This information shows that the assumed percentage of 40% of children living in the interior attending primary school is incorrect. The interior comprises the following districts: Brokopondo, Marowijne, Sipaliwini, East and West Para, Santigron in Wanica and Kalebaskreek in Saramacca. Schools in the hinterland are located in both Maroon and Indigenous areas.

97. The language used to instruct pupils is Dutch: the official language, but in practice pupils in the kindergarten and those of first up to third grade are also instructed in their mother tongue. There is no policy yet to introduce local languages as instruction languages in school.

98. Suriname is continuously exploring innovative strategies in addressing the challenges posed by the hinterland. One such strategy is the establishment of a so-called "nucleus centre". In collaboration with other ministries, and particularly the Ministry of Regional Development, a nucleus system was introduced hosting an educational centre in Albina and Moengo. Despite the fact that the children in the hinterland are more challenged than children elsewhere, the number of children that attend higher education in the districts and in Paramaribo is increasing. The number of students attending high school and the university is increasing annually. This indicates a steadily improvement on this matter. The Government of the Republic of Suriname continuously works on the improvement of educational opportunities for the interior.

99. In Suriname education is subsidized by the State. There is also a fellowship programme available for students at second and third-level institutions. Students at first-level institutions receive governmental financial aid to secure necessary school materials, e.g. textbooks and pencils. Also, scholarships and additional financing for students at senior secondary level are provided for those with insufficient finances. Transport service costs for students are also a component of the state's subsidy educational scheme. Since education forms an integral part of the cultural development of individuals and groups, the State wishes to state the following. The main objective of financing education is the provision of educational facilities at all levels, for all members of the Surinamese society regardless of race, sex, religion, and financial status. Education financing is also a means to promote and guarantee the freedom of education.

[19] See the Human Development Atlas Suriname, United Nations Development Programme Country Office Suriname, UNDP 2013, page 100 and following. According to the Human Development Atlas the primary school attendance ratio is the ratio of the number of children of official primary school age who are enrolled in primary education to the total population of children of official primary school age, expressed as a percentage.

100. The Asian Marriage Act was abolished by Resolution No. 4190/03 of 17 June 2003, establishing the date of entry into force of the Act of 10 September 1973 laying down new rules concerning marriage ceremony and marriage dissolution. (Revision Marriage Law 1973). After 17 June 2003 there were no marriages under the Asian Marriage Act and therefore the State cannot submit to the Committee the statistics requested on how many non-Asians are actually married under this act after this period. The legal age of marriage was raised to 15 for women and 17 years for men. In addition, changes were made to the Fourth Title of the First Book of the Suriname Civil Code. Also, the rules of the Surinamese Civil Code were applicable. There is a committee appointed by the Surinamese government to evaluate these ages, and according to the recommendation of the final report of this committee the age of both girls and boys should be increased to 18 years. Actions are already taken to amend the Civil Code in order to bring the marriageable ages into conformity with the covenant.

Non-discrimination before the law and protection of national minorities (Arts. 26 and 27) (CCPR/CO/80/SUR, paragraph 21)

101. The LBGT Platform Suriname refers to the fact that the LBGT are not mentioned in the discussion of non-discrimination before the law and protection of national minorities in the national periodic report. However the State is of the opinion that no facts or circumstances have occurred that indicate discrimination or disadvantages of this group. Under current law, they are protected just like any other citizen.

102. The issue of land rights and in light of this, the Saamaka judgment of the Inter-American Court of Human Rights and the subsequent implementation measures need to be considered against the backdrop of the unique and rather complex societal structure of Suriname. The complexity of Suriname's society is due to its multi-ethnic, multi-religious and multicultural composition. Suriname can be considered as the country with the most diverse ethnic population of the South American continent. The Constitution of the Republic of Suriname and implementation laws are, therefore, founded on the specificities of our nation. The social and economic objectives of the Government of Suriname are aimed at building a national economy for the benefit of the entire population, in which each citizen shares equally in the socio-economic development and achievements.

103. The State is also entrusted with the obligation to ensure that national regulations and policies do not attribute any form of favorable treatment to specific segments of the population, resulting in discriminating the remainder. Subsequently, all Government actions aimed at national development are rooted in the basic principles of equality and non-discrimination, as embedded in the Constitution of Suriname. The national legislation and related public policies are, therefore, geared towards sustainable development and a socially just society for all.

104. In honoring the commitment of Suriname to international obligations, with respect to land rights including the implementation of the Saamaka judgment, it became apparent that a strict implementation according to the letter of this judgment, poses many challenges. The dilemmas can be inferred from the following question: how can the State amend its legislative framework on land and natural resources rights in such a way that it can implement the Samaaka judgement without compromising the national development and other ethnic groups of the Surinamese society? In seeking an answer, one should take into account (i) the national interests of the entire population within Suriname's territory, and (ii) the principles and regulations of our parliamentary democracy. Dilemmas can also arise in light of the following questions:

- Are the foundations of democracy not harmed by the conclusion of the judgment?

- If it were possible to make an attempt to implement the conclusion of the judgment, is the foundation of the form of government in Suriname not seriously challenged?

105. The political will is present to undertake the necessary steps for the implementation of the Saamaka judgment. However, the extent and the nature of the judgment oblige the State to exercise a certain degree of cautiousness. The State wishes to execute the judgment in the most responsible manner possible, while ensuring that there is nation wide ownership of the process that we have embarked upon as a nation!

106. The State is obligated to exercise such cautiousness since it is evident that on certain major aspects of land rights there is no common agreement among the indigenous and tribal communities to date. Divergent positions are certainly evident with respect to agreeing on an applicable land use map for these communities. This makes it rather complex for the State to embark upon concrete actions for delimitation and demarcation. The State's cautiousness is also motivated by the fact that various elements regarding the land rights issue in general and in particular the Saamaka judgment implicitly or explicitly require new or revised legislation and even Constitutional amendments. Some of the earlier mentioned complexities and inherent challenges are of a legal, political, administrative, as well as socio-economic nature.

107. From a legal perspective it has to be noted that the Constitution and other regulations require compliance with Constitutional procedures when enacting new national laws or amending existing national laws.

108. The legislative procedure mostly followed based on the above mentioned requirement is one where Government line ministries initiate legislative products. A first draft of the Bill is submitted to the Council of Ministers for screening and approval. After approval the draft Bill is submitted to the Council of State for comments. After a preliminary approval by the Council of State (read: the Executive power) the President will submit the draft Bill to the National Assembly. It is the prerogative of the National Assembly to approve or reject the proposed Bill. The different principles of our democratic State organization are vested in the structure of our political democracy, whereby sovereignty of the people and *Trias Politica* are the guiding principles.

109. Considering that certain aspects of the judgment also imply that Suriname should amend its Constitution, it is noteworthy that the current Constitution of the Republic of Suriname was adopted by referendum on September 30, 1987 by approximately 98% of the Surinamese population. Carrying out any changes of a fundamental nature to the Constitution will thus require a referendum. This is certainly the case when the judgment orders a strict "delimitation, demarcation, and the granting of collective title over the territory of the members of the Saamaka people".

110. The State holds the opinion that the political-administrative and socio-cultural particularities are inter-linked. This circumstance is part of the basis of the construction of relevant Constitutional governance-related provisions such as public administration, regional governments, regional legislation and regional authorities (Chapter XX-XXIII). But also the structuring of administrative organs, decentralization of administration and legislation, find their origin in the specific characteristics of our ethnic population in general, and the indigenous and tribal communities in particular. This is attested by the fact that, historically, the State has recognized the traditional structures and customary laws of indigenous and tribal communities, including the livelihood strategies of these communities and their traditional self-governance mechanisms and/or structures, this is vested in relevant regulations, such as the Decree on the Principles of Land Policy (L-Decreet Beginselen Grondbeleid).

111. The land rights issue is an important element in the National Development Plan 2012-2016, which is elevated to the status of national law through adoption by the National Assembly. The National Development Plan 2012-2016 indicates that:

> *"Bij de benadering van dit vraagstuk moet met twee zaken rekening worden gehouden. Ten eerste, de claim van de marrons (bosnegers) en de inheemsen (indianen) op de gebieden die zij van oudsher bewonen, bewerken en gebruiken (hun dorpen; de gebieden die zij gebruiken om te voorzien in hun levensonderhoud; voor religieuze en culturele doeleinden, etc.): deze claim is erop gericht dat de Staat Suriname moet erkennen, dat zij, de marrons (bosnegers) en de inheemsen (indianen), het recht hebben om te beschikken over deze gebieden.*
>
> *Ten tweede, het standpunt van de Staat dat het totale grondgebied van de Republiek Suriname behoort tot het domein van de Staat Suriname, met uitzondering van de gevallen waar derden het tegendeel kunnen bewijzen. De Staat stelt zich tevens op het standpunt dat elke Surinamer, dus ook de marrons en inheemsen, het recht heeft een stuk grond aan te vragen binnen dit "staatsdomein".*[20]

112. In essence the cited paragraphs state that in dealing with the issue of land rights, two aspects should be kept in sight. Firstly, the State is obliged to recognize that land traditionally occupied, cultivated and otherwise necessary used by indigenous and tribal communities should remain at the disposal of these communities for reasons of their sustainability. Secondly, the State holds the principle consideration that the total territory is public land of the nation. Nonetheless, Surinamese nationals, including indigenous and maroons, are entitled to apply for a plot of public land.

113. Hence, the commitment of the State to effectively address the land right issue has been affirmed by putting it high on the national development agenda of the Government.

114. This commitment is also reiterated in other policy statements of the Government of Suriname. Suriname argues that the ultimate answer to the land rights issue related to tribal communities in the hinterland should have nation wide approval. The rationale behind such a determined stance of the State is that this issue has almost evolved into a state of conflict between tribal communities among themselves, the tribal communities and the central government and the tribal communities and the wider Surinamese society. In addition, the application of various perspectives and approaches in dealing with the issue for example a historical perspective versus a national developmental, adds to the complexity of the issue. The State has committed itself to a social-economic development contract with the Surinamese population, by strategically exploitation of the countries natural resources. It needs no further explanation that a large segment of the Surinamese population fears that its legitimate development interests are marginalized at the expense of the interests of the tribal communities. The Government is of the view that the land rights issue with respect to tribal communities has simmered for too long and that it urgently needs to be resolved effectively and sustainably.

115. Instigated by the President of the Republic of Suriname, a Land Rights Conference was held in October 2011. The objective of the Conference was to engage in a comprehensive dialogue with representatives of the indigenous and other tribal communities, in order to reach an acceptable consensual solution for all parties involved. Prior to the Land Rights Conference, an intense process of consultations was conducted with all stakeholders to identify the major issues that require attention of all relevant authorities. Some of the identified issues, related to the land rights issue at stake, are: the Land reform-Decrees (L-Decrees), the Mining Act, allodial property rights and real estate.

[20] National Development Plan 2012-2016, p. 179.

116. Regretfully, the outcome of the subsequent interventions was not as expected. Nonetheless, the pace has been set for future collaboration on the matter of land rights. The anticipated outcome of the Conference was a Joint Declaration, expressing that all parties concerned commit themselves to continue to collaborate in the interest of resolving the land rights issue in a consensual and sustainable manner. The Saamaka, Matawai, Kwintie and Paamaka, Maroon tribes as well as the indigenous tribal communities, were represented.

117. Aside from the two specific activities described in paragraphs 107 and 108, there also exist institutionalized and regular consultations between the Ministry of Regional Development and the Traditional Authorities of the hinterland. The institutionalized and regular consultations relate to various developmental issues regarding the districts and the communities following a partnership and inclusiveness approach.

118. At Presidential level, there is a Special Presidential Commissioner for Land Rights appointed. The Commissioner is entrusted with giving advisory tasks concerning all aspects of the land rights issue. A specific part of the advisory task of the Commissioner is to propose measures to prevent unbalanced social consequences of the land rights issue to the President.

119. These actions, initiated by the Government of Suriname, demonstrate that the State is fully aware of the importance of the land rights issue and of its responsibility in the process of bringing about a mutually acceptable solution for an issue that requires a high level of national commitment; the State is adamant in continuing its efforts in this regard.

The Way Forward

120. The State of Suriname is of the view that the process that has been put in place towards the eventual recognition of the land rights of the tribal communities must include the sustaining of a constructive dialogue between all interest groups. The constructive dialogue is considered to be of eminent importance to ensure peaceful coexistence and stability in the country. Evidently, there is a level of lack of trust towards the central Government. The lack of trust is partly historically determined as well as by the emergence of our young Republic. The State is effortlessly working towards building a stronger relationship with traditional tribal authorities from the perspective that mutually respectful collaborations produce more tangible results.

121. The State applies innovative consultation strategies with stakeholders, due to the manifold issues at stake to better understand the numerous complexities the State is confronted with. This approach guarantees a stronger and more fruitful collaboration to benefit a gradual implementation of the international and regional commitments of the State. In Suriname's view a consensual documented arrangement concerning a land use map between the indigenous and other tribal communities could accelerate the entire process of drafting a Bill related to the delimitation and demarcation of indigenous and tribal communities, i.e. land, and the subsequent process of collective rights.

122. Unfortunately, thus far, after multiple consultations among the indigenous and tribal communities, no agreement has been reached between the Saamaka and the indigenous tribes, which hampers the acceptance of any land use map by the State.

123. It should be noted that the State has facilitated this process of consultations between the indigenous and other tribal communities in an effort to eradicate all possible barriers preventing the involved parties to reach consensus. It is without any doubt, that only after agreement is reached by all communities involved, the Government will proceed with drafting legislation based on the agreed maps on *inter alia* collective land titles.

124. In accordance with its constitutional procedures, the final position of the State will be determined upon the conclusion of the deliberations by Parliament, the highest State authority of Suriname.

125. In this respect it should be noted that Article 55, paragraph 2, of the Constitution of Suriname, stipulates that the National Assembly is the supreme body of State. Important to underscore is that all members of Parliament function independent and free, including in their voting behavior. Voting behaviour is based on personal discretion and judgment, guaranteeing a free mandate of the individual members of parliament.

126. The independent and free functioning of members of parliament entails that neither the Government nor a political party or group of parties can force a voting position on a member. Consequently the independent and free voting decision making implies that upon any decision of the National Assembly, the State – as the executive power – will have to confer.

127. Due to the disappointing results of the process leading to the production of a land use map, the State is even more motivated to engage in renewed efforts for putting together a pragmatic Road Map for the implementation of the outstanding commitments within the context of the Saamaka judgment.

128. With reference to paragraph 110, it is considered useful to also mention that the President will establish an Executive Office for the Presidential Commissioner on Land Rights, in order to deal in a more effective manner with the responsibilities of the State with respect to collective land rights issues.

129. The State reiterates its full commitment to work towards an acceptable solution for this matter, which is considered of national importance. Therefore, it will effortlessly seek to underscore the importance of a cooperative attitude from all stakeholders in the conviction that the unification of the entire nation is an absolute prerequisite.

130. After the Inter-American Court judgment in the Samaaka case, no permits for logging have been granted in the area which is perceived as tribal land. In addition, in 2011 two community forests have been established for the tribal communities. Mention can be made of the fact that two new requests for the establishment of community forests have been received.

131. Environmental and social impact assessments (ESIAs) are a requisite for granting a permit for any development or investment project within traditional Indigenous or tribal territory. The State can inform the Committee that the respective project developers hire their own consultants to conduct the required ESIAs. The State, via the National Institute for Environment and Development in Suriname (NIMOS), in turn evaluates and approves the individual ESIAs produced by the private consultants.

132. The following EISAs have been conducted in the period 2002-2013:

- Environmental Impact Assessment Rosebel, Gold Project Suriname, Rescan Environmental Services LTD, 2002;
- Kersten River Lodge Suriname N.V., Berg en Dal project; Environmental and Social Impact Assessment, October 2007;
- Final Environmental and Social Impact, Assessment Volume I, Nassau Plateau Bauxite Mine Paranam, Suriname, August 2012;
- Merian Project Final ESIA Report, Volume I – Introduction and Environmental and Social Baseline, 31 January 2013;
- Final Environmental and Social Impact Assessment for Rosebel Gold Mines, Storage Facility Expansion Project, March 2013.

133. A significant number of members of various tribal communities are engaging in small-scale gold mining activities. The numbers of small-scale miners and their activities have for a long time been uncoordinated and unsupervised. This so called "wild west" situation imposes serious risks ranging from security to public order and health threats. For all these reasons the Government embarked upon an integral plan for regulating the gold mining sector, with a strong focus on the small-scale gold mining sector, which is argued to be lucrative for many groups.

134. Sadly, it has become apparent that in particular small-scale miners engage in illegal occupation, illegal gold mining activities and in the employment of illegal methods of gold extraction and refining. These circumstances constitute a violation of health and environmental regulations and at the same time pose serious risks to the public health and the environment and cause serious instability at community level in related districts.

135. In an effort to eliminate chaos, to restore public order and to mitigate the public health and environmental threats, a large number of illegal small-scale miners have been relocated. This is an ongoing activity of which the ultimate aim is to guarantee peace and security in the hinterland. Many of the illegal small-scale miners are relocated to designated areas where (small-scale) gold mining is approved and where the mining activities can be monitored for compliance with environmental and health standard.

136. To ensure a well-balanced non-discriminatory national approach, a Presidential Commission on Regulation of the Gold Mining Sector was established by the Government of Suriname to take the lead in the reorganization of this sector. To engage all stakeholders in the process of regulating this sector the Government organized a "Gran Gowtu Krutu" (Grand Gold Consultation), on 18 and 19 February 2011, not in the Capital – Paramaribo – but on location in Snesie Kondre (tribal land). The Presidential Commission was also entrusted with the task to engage early in the regulating process in consultation with the Traditional Leaders of the tribal and indigenous communities. This approach was perceived necessary to facilitate the identification of important matters to be discussed during the Gran Gowtu Krutu, among which the land rights issue. The Traditional Authorities of the tribal and indigenous communities, along with a broad-based representation of all stakeholders in the gold mining sector, were all represented at this Krutu, together with the President, the Government and all other governmental stakeholders. Regretfully, the Gran Gowtu Krutu did not yield an outcome that could serve the interests of all.

137. A renewed effort to continue consultations with the tribal communities led to the institutionalization of the so-called Structural Gold Sector Consultations (SGS) with all stakeholders in the sector.

138. These consultations are held on a bi-monthly basis and aim at: (i) discussing on a structural basis the various problems and/or challenges within the sector; (ii) reviewing, and where necessary, adjusting the course of the process regulating the sector, and (iii) enabling the gradual modernization of the gold mining sector. Stakeholders' representation comprised of a representative of (i) the Presidential Commission; (ii) every organized group of small-scale miners ("porknockers"); (iii) every medium-sized gold mining company; (iv) every large gold mining company (multinationals), and (v) the Tribal Authorities of every tribal community.

139. From the broad array of issues that were discussed during the meetings of the SGS, it can be inferred that all stakeholders, including the representation of the tribal communities had ample opportunity to discuss matters of concerns and/or interests. A sample of discussed issues is: (i) strengthening of traditional authorities; (ii) the establishment of a Campus and School of Mining and Mineral Processing in Snesie Kondre/tribal land); (iii) concession policy and land rights.

140. It should be noted that the Presidential Commission on the gold sector and the SGS did not have a specific mandate to address the land rights issue. Nonetheless, both indirectly assist in identifying major concerns, interests and dilemmas related to the land rights issue of the tribal communities and the indigenous population.

141. The State indisputably recognizes and respects the traditional leadership of the indigenous and other tribal communities as well as their employed traditional mechanisms and instruments of consultation and their decision-making structures. Consequently the traditional governance system is accommodated in the approach applied by the State, in matters regarding the tribal communities. This demonstrated accommodating attitude by the State is inspired by its belief that the social and economic objectives of the Government of Suriname are aimed at building a national economy for the benefit of the entire population, in which every citizen shares equally in the socio-economic development and achievements, while respecting the cultural and socio-economic specificities of historically deprived segments of our population.

142. Hence, regular consultation between the Government and tribal communities takes place, ensuring local involvement in the formulation of public policies on the use of resources, development planning and potential relocation, among others, in areas traditionally inhabited by indigenous and tribal communities. In light of the many outstanding issues related to legally granting collective land titles to indigenous and other tribal communities, improving consultation mechanisms would be of particular importance to both the State and the tribal communities. The State is developing a model through which the principle of Free Prior Informed Consent (FPIC) would be reflected in an ample manner. The State will continue its efforts to improve consultations with indigenous and other tribal communities to further the principle of FPIC within the existing (traditional) structures.

143. Meanwhile the existing consultative mechanisms also provide for the involvement of the indigenous and other tribal communities in the negotiations regarding logging and mining concessions. Consequently, local tribal communities are more actively involved and their interests are taken into account. Most recently, this approach has been followed in the negotiations with IAMGOLD.

144. The State has already demonstrated a high level of commitment to the spirit of FPIC. To illustrate this claim, reference is made to the decision of the President of the Republic of Suriname to defer the execution of the Tapajai Energy project until further notice. Meanwhile the state-owned oil company N.V. Staatsolie Maatschappij, which has already invested millions of US$ in the preparation of this ambitious project, has been instructed by the President to immediately cease activities in respect of the Tapajai project. The State took a bold decision to put the implementation this project on hold despite its projected significant boost on the development of the country to the benefit of all. In the decision making the State took into account: (i) the special concerns and interests of the indigenous and other tribal communities, and (ii) the lack of broad-based "ownership" of the project at the time the decision was made.

145. The State recognizes that consultation is an important tool for securing the enjoyment of the right to participate by individuals and groups in State decision-making processes on issues impacting on their life. Furthermore, consultation increases the likelihood of achieving broad-based support and therewith ownership of developmental processes. However, the State is fully aware of the need to remain vigilant that the consultations remain a means and not become an end in itself. Convening consultations serve the purpose of progressively achieving sustainable development at national, local and individual level including for the tribal communities who traditionally inhabited, cultivated and used the land to provide in their livelihood.

146. Based on all the aforementioned Suriname does not perceive the principle of "free, prior and informed consent" as an encroachment of the legal entitlements of the entire population to benefit from the natural resources. Nor does the State perceive compliance with the principle of FPIC as a limitation to fulfill its legal duty to effectuate sustainable development and improved living standards for the entire population, through the exploitation of the natural resources of the country. The State is of the view that a balanced approach, would serve an overall national development purpose. Therefore the State refuses to adhere to any approach that is solely motivated by economical or political interests, since such approaches will pose a threat to Suriname's exemplary peaceful pluralist societal structure.

147. In its initial response to the perceived discriminatory treatment of indigenous people, the State challenges this conveyed perception. Nonetheless, Suriname will make an effort to change this perception. Furthermore the State would also like to receive more detailed information on the types and forms of reported discrimination. Thus far the State contests the claim of discriminatory treatment as being a form of formal or institutionalized discrimination. At this point, the State cannot contest a claim of discriminatory practices. For the State to respond appropriately to these practices information sharing is necessary.

148. In support of a comprehensive response to the discriminatory treatment of a specific ethnic group the State will elaborate further on the legal and policy frameworks in effect in Suriname.

149. The Constitution of the Republic of Suriname provides the legal foundation for the national legislation and policies combating racial discrimination. In addition, laws have been enacted to give effect to the promotion of the principle of non-discrimination and equality before the law of citizens and foreign nationals.

150. The Republic of Suriname is a democratic sovereign State abiding by the rule of law principle and founded on human dignity and the promotion of human rights and freedoms.

151. As stated in the second periodic report and reaffirmed by the Committee in its concluding observations the Criminal Code and the Constitution of Suriname have adopted anti-racial discrimination provisions. Article 8 of the Constitution unequivocally states: "no one shall be discriminated against on grounds of birth, sex, race, language, religion, education, political opinion, economic position or any other status".

152. Article 126 Criminal Code states that discrimination shall mean any distinction, restriction or preference, thus also race based, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

153. Other articles in chapters V and VI of the Constitution, discussing fundamental rights, make no distinction on the basis of race between individuals, indicating that all individuals are entitled to the same rights.

154. Pursuant to Article 1, section 2, of the Covenant, the State has adopted several legislative instruments indicating distinctions or restrictions between citizens and non-citizens. The Election Act, for example, only gives Surinamese nationals the right to vote and to be elected or appointed in high governmental and administrative positions. For example, lawful residents are not excluded from being elected as members of the National Assembly, appointed as members of the judiciary and as members of the executive branch.

155. The Surinamese Nationality and Citizenship Act gives provisions regarding nationality, citizenship and naturalization of individuals. This act does not discriminate against any particular nationality but gives objective norms/standards that must be met

before an individual can receive the Surinamese nationality. Based on the Constitution, this must be done by an Act of the National Assembly.

156. The Preamble of the Constitution states: "Convinced of our duty to respect and safeguard the principles of freedom, equality and democracy as well as the fundamental human rights and freedoms". The State underscores that it respects and abides by its highest national law, and by doing so it complies with its constitutional duty to operate according to the equality principle and to guarantee the full enjoyment of fundamental human rights and freedoms in its democratic society.

157. Individual civil and political rights in Suriname are guaranteed by the Constitution of the Republic of Suriname. The current Constitution was adopted by a public referendum in 1987, which was amended in 1992. Even though the Constitution does not mention the Universal Declaration of Human Rights, it was clearly inspired by this Declaration. Chapter I of the Constitution deals in its entirety with the basic civil, political, economic and social rights of the individual.

158. Furthermore, the Constitution covers other rights specified by the Covenant, in particular the right of self-determination. With this right fully exercised, the people individually and collectively established a political system that provides them the possibility to freely pursue economic, social and cultural development. As articulated in Article 1 of the Surinamese Constitution, the Republic is a democratic State based on the principles of sovereignty (self-determination) of the people and safeguarding the basic rights and freedoms of individuals. Chapters 5 and 6 of the Constitution give rules concerning equal protection of citizens. Reference is made to Articles 8-39 that safeguard fundamental and social rights of citizens of the Republic of Suriname.

159. The population of Suriname is comprised of various ethnic groups with their own distinctive languages, cultures and traditions, which they can utilize and express freely without any legal restriction. Suriname is referred to as the world in miniature, consisting of Hindustani 148,443 (27.4%); Creoles 84,933 (15.7%); Javanese 73,975 (13.7%); Maroons 117,567 (21.7%); Chinese 7,885 (1.5%); Indigenous peoples 20,344 (3.8); Afro-Surinamese 3,923 (0.7%); Mixed Race 72,340 (13.4%); Caucasians 1,667 (0.3%), the rest 7,166 (1.3%), no race 1,805 (0.3%), no answer 1,590 (0.3%) (based on the 2012 Census).

160. Suriname's cultural policy is based on the plurality of the Suriname population and thus on cultural democracy, which is characterized by the equality of all cultures and mutual acceptance and appreciation of one another's cultural expressions. Suriname's cultural policy is in line with article 27 of the Universal Declaration of Human Rights. It also aims at the full and free participation of every individual in the cultural life at national, regional and international level. Furthermore, the cultural policy should enable everyone to enjoy art and to be part of scientific progress and its outcomes.

161. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), culture can be regarded as the entirety of spiritual, material, intellectual and emotional properties, which characterize a society or a social group. Culture does not only comprise art and literature, but includes lifestyles, fundamental rights of human beings, value systems, traditions and conventions. It is culture that enables human beings to think about themselves. Thanks to culture, human beings distinguish values and make choices. It is because of culture that people express themselves, become aware of themselves, recognize their incompleteness, study their achievements, and create work with which they surpass their own limitations. In practice, culture is a reflection of the past, but a past that is alive, because it is enjoyed by present generations and is linked to the daily life of human beings as a reflection of their actions.

162. With respect to non-discrimination and equality, the State emphasizes that the number of Maroons and indigenous people who participate in daily life, and have staff

positions in the community, is steadily increasing. In the current administration, which consists of 17 Ministries, 5 are taken by Maroons such as: the Ministry of Finance, Regional Development, Transport, Communication and Tourism, Social Affairs and Justice and Police. Of the 51 members of the National Assembly 9 men and 1 woman are Maroons, while 2 men are Indigenous. This is again an indication of the efforts of the Government. However, the Government realizes that there still is a lot of work to be done in this respect. Indigenous and tribal communities are represented in the legislative, executive – including high-level advisory positions – and judicial branches of the State. Also, indigenous and tribal people are well-represented in the decentralized representative bodies, namely the District Councils (highest representation in the districts) and the Local Councils (highest representation in the administrative jurisdictions). In addition, five district commissioners (excluding two appointees), in charge of the daily management of the districts hail from tribal descent. The representation of tribal communities is also evident in a number of high advisory positions within the executive branch, such as the Council of State. Within the Cabinet of the President there are two Presidential Advisers of tribal descent as well.

163. Measures taken by the Government of Suriname to prevent or mitigate mercury run-off near indigenous communities are an integral part of the related State's activities as described in the paragraphs 124 to 128. There are two kinds of gold mining in Suriname, the large-scale gold mining which is currently done by international mining companies and the small-scale mining which is much more widespread and done by private persons. In the small-scale gold mining mercury is used to extract the gold from the soil. The practice is limited to a certain part of Suriname starting from the north-west of the country downwards to the southern border with Brazil. The main characteristics of small-scale gold mining in Suriname are:

- Both legal (with permit) and illegal (without permit) mining activities;
- The use of heavy machinery;
- No consideration for environmental and social aspects, such as deforestation and water pollution;
- Irregular and undocumented foreigners work as small-scale miners (e.g. Brazilians);
- The use of large amounts of mercury.

164. Suriname is conscious of the negative impact irresponsible small-scale gold mining has on the environment and communities. Due to this consciousness the state recently implemented some specific measures to combat this problem.

165. Project entitled: Gold mining pollution abatement, and the implementing institution was the Geological and Mining of the Ministry of Natural Resources. The project lasted from 2003 to 2006. The objectives of the project:

- Improved management of the small- to medium-scale gold mining sector in order to reduce pressure exerted on priority ecosystem of Suriname, funding by the W.W.F.;
- Promoting the use of retorts in the small scale gold mining sector.

166. Current measures targeting small-scale gold mining:

- The president has installed a commission to reform and regulate the illegal small-scale gold mining activities in Suriname.
- Establishment of Mining Service Centers (MSC) in several parts in the interior for registration of the miners, and providing service to them. One MSC has started its activities as a pilot project in the eastern part of the country.
- Starting of a school of mining and mineral processing to train workers in the mining sector to use mercury-free mining technique.

III. Dissemination of information regarding the Covenant, articles 1 to 27

167. In the first part of this report the concluding observations provided by the Human Rights Committee during its eightieth session (CCPR/CO/80/SUR) and the follow-up on concluding observations (CCPR/C/95/2) are discussed in detail. Thereby, the State demonstrates the mechanisms in place to monitor progress towards the full realization or several rights. For this reason, if they have already been discussed in the first part, the State will refer to the relevant sections when discussing the various Articles of the Covenant.

Article 1
The right of self-determination and free disposal of natural wealth and resources

168. The Republic of Suriname is bound by the principles of the Charter of the United Nations and regional organizations (Constitution Articles 103, 105 and 106). The right of self-determination is enshrined in the Constitution. The Constitution guarantees the democracy and the sovereignty of the people and their fundamental rights and freedoms with equal protection (Art. 1 and chapters 5 and 6). Constitutional and political processes make it possible in practice to exercise the rights as contained in article 1 of the ICCPR. The country's Constitution provides the framework for both its legislation and policy on protection and guarantee of the rights recognized by the present Covenant. Within the constitutional framework, laws have been enacted to give effect to the protection and guarantee of ICCPR granted rights.

169. The State reiterates that the preamble of the Constitution demonstrates that the State also recognizes the equality principle and the enjoyment of fundamental human rights and freedoms in a democratic society as well as the individual and political rights within its jurisdiction. The Constitution includes provisions that relate to the rights specified in the Convention. The Surinamese people have the right to self-determination (art. 1 of the Constitution). With this right fully exercised, the people established a political system that tends to give them the possibility to freely pursue economic, social and cultural development for each individual and for the nation as a whole. As reflected in article 1 of its Constitution, the Republic of Suriname is a sovereign democratic State based on the right to self-determination of the people and with the duty to safeguard the fundamental rights and freedoms of individuals.

170. It should be noted that the indigenous peoples and Maroons addressed international bodies, referring to non-discrimination and the right of self-determination, with respect to among other things natural resources and land rights. The State gives high priority to implementation to the rights described in this article and to bring a solution to the problems regarding land rights issue. This issue is dealt with in detail in the paragraphs 80–135 of this report.

171. In conclusion on Article 1, the State requests the Committee to also consider the National Report to the ICCPR of 2003 (Chapter II.2. Article 1, ICCPR) an integral part of this report.

Article 2
Obligation to respect rights without discrimination and right to judicial protection

172. Chapters 5 and 6 of the Constitution of Suriname grant rights and freedoms to individuals that can be invoked directly. The same chapters also impose legal duties on the State regarding its obligation to respect and protect the fundamental rights and freedoms of all individuals, equally. Violations of basic rights are submitted to the Court of Justice. The absence of the Constitutional Court is considered a main obstacle faced by victims in their pursuit to obtain redress in case their Covenant rights have been violated. The Constitutional Court is yet to be installed and it will be tasked with reviewing laws on their contradicting nature with the Constitution and international conventions. The Court will also have the authority to review and decide on challenged decisions of government bodies on the grounds of incompatibility with basic rights and freedoms. Currently, as noted before (paragraph 46), the draft law on the establishment of the Constitutional Court is pending at the State Council. The State once again wants to highlight that Articles 137 and 106 of the Constitution grants the Judiciary full competence to rule in cases when domestic legislation is incompatible with the Constitution Chapter V or with direct invocable fundamental rights granted by international and regional Conventions. The Government of Suriname is committed to guarantee human rights and fundamental freedoms as laid down in different international documents on human rights and to take appropriate actions against violators of these rights.

173. Suriname does not have an independent Human Rights Institute according to the Paris Principles. On 10 December 2008 (SB 2008, No. 137) the Human Rights Bureau was established by the Ministry of Justice and Police. This Bureau has to assist the Republic of Suriname during judicial processes relating to human rights violations in regional and international fora and it has the following tasks: The preparation and coordination during judicial processes of Suriname regarding human rights violations in regional and international fora: Supporting the constitutional representative of Republic of Suriname, the Procurator General at the Court of Justice of Suriname and appointed external experts by the President of Suriname or by the Minister of Justice and Police, during processes at regional and international fora; The preparations and coordination during the drafting of the country reports of Suriname, including the national report of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, as well as giving advice to government agencies and officials regarding relevant human rights issues.

174. On 27 August 2007 an amendment was made to the Indictment of Political Office Holders' Act (SB 2001 no. 72). Before the amendment the law of 2001 did not allow for appealing an Administrative Court decision, which was in contradiction with the right to appeal (Article 14, paragraph 5 of the Covenant). Based on this amended Act, Political Office Holders can lodge an appeal. Between 2003 and 2013 a number of laws were adopted to improve the securing of several specific human rights. In this light reference can be made to the (i) Combating Domestic Violence Act (June 20, 2009, SB 2009 No. 84), (ii) Order of the Minister of Justice and Police of 13 September 2010, No. 5811/10 laying down forms on the Combating Domestic Violence Act (SB 2010 No. 150), (iii) Order of the amendment of the order of the Minister of Justice and Police of 13 September 2010, No. 5811/10 laying down forms on the Combating Domestic Violence Act (SB 2011 No 103), (iv) Act on Criminalization of Harassment (Act of 27 April 2012, laying down rules on stalking and further amending the Criminal Code) (Gazette: SB. 2012 No. 70), (v) Amendments of the Criminal Code, Indecency offenses, Law of 20 February 2008 laying down further detailed amendment to the Code of Criminal Procedure (SB 2008 No. 21) (concerning reviewing the lawfulness of custody by the Investigating Judge), (vi) Personnel Act, (vii) Labor legislation, (viii) Decree on Dangerous Work and Young Persons (SB 2010 No. 175), (ix) Electoral law,

(x) Personnel Act, (xi) Labor regulations, (xii) Act of 20 February 2013 laying down rules limiting the use of tobacco and tobacco products (Tobacco Act) SB 2013 No. 39, (xiii) Housing Act (Law of 28 November 2012, concerning the establishment of the Housing Plan for the period 2012 to 2017, published 28/11/2012), and (xiv) The Law on Organization and the Composition of the Surinamese Judiciary Power, which was amended on 31 March 2009 (Official Gazette of the Republic of Suriname 2009, No. 3).

175. In conclusion on Article 2, the State requests the Committee to also consider the National Report to the ICCPR of 2003 (Chapter II.3. Article 2, ICCPR) an integral part of this report.

Article 3
Equal rights of men and women

176. Within the Ministry of Justice and Police the Office for Women and Children Policy (BVK) was established on 8 March 2007 to coordinate policies affecting women and children. According to the Official Gazette of the Republic of Suriname in 2008 No. 137, BVK is entrusted with the tasks to: (1) formulate policies on women and child issues; (2) Develop an action plan on women's and children's policy for the Ministry of Justice and Police; (3) Coordinate the women and children policy of all relevant departments of the Ministry of Justice and Police; (4) Work intensively with all non-governmental organizations (NGOs) targeting women and children; (5) Operate as contact point for women and children affairs within the Ministry of Justice and Police; (6) Coordinate the activities based on the women and child related treaty obligations as applicable within the Ministry of Justice and Police; (7) Ensure the implementation of effective responses to the specific concerns of the sector analysis, such as domestic violence; (8) Participate in national and international seminars on women and child issues; (9) Organize training for the target groups, and (10) Organize women and child focused awareness programs (nationwide).

177. Currently the gender policy of the Ministry of Justice and Police carries out a project approach to domestic violence and a project addressing sexual harassment in the workplace.

178. To implement the Combating Domestic Violence Act, the Ministry of Justice and Police trained judges, prosecutors, social workers of this Ministry and staff of the police force, in interpreting and applying the law. It is in the pipeline to set up a unit offender counseling, to guide perpetrators of domestic violence in the process of behavioral change.

179. In support of victims of violence (including domestic violence), sexual offenses, other crime cases and those who survived a suicide attempt, two offices providing victim assistance in the districts Paramaribo and Nickerie are already operational. The aim is to set up several hotlines. Currently preparations are made to attract a consultant to conduct a study on the need for hotline services for Indigenous and Maroon communities. The State will also attract a consultant to develop a standardized form to register incidents of domestic violence. This project is co-funded by United Nations Population Fund (UNFPA). The Ministry of Justice and Police is committed to continue awareness programs. Anticipating the establishment of the offender counseling unit, the Ministry of Justice and Police recruited two social workers of the foundation "Stop Violence against Women" to provide guidance services to perpetrators of domestic violence.

180. The National Bureau for Gender Policy of the Ministry of Home Affairs reported the implementation of the following activities within the framework of (domestic) violence in 2012:

- A workshop in the Nickerie district, with the objective to reveal and discuss the different perceptions on the issue of domestic violence that exists in Nickerie;

- In the context of International Day of the Girl Child on October 11, a stage performance with the theme of "domestic violence" was held in the district Nickerie for "Voortgezet Onderwijs Junioren" (VOJ) (high school) / "Voortgezet Onderwijs Senioren" (VOS) (college) students;
- A television program was aired in which religious leaders from six of the 10 districts shared their vision on violence against women with the nation. The program was aired from November 25 to December 10, 2012 as part of the project 16 Days of Activism Against Gender Violence;
- Requests were submitted to all television stations to air films with the theme "violence against women", as part of the November 25 to December 10, 2012 project 16 Days of Activism Against Gender Violence. The objective was to improve the awareness on this matter through this medium;
- An essay competition among students of different VOS schools, in the districts Paramaribo and Wanica, with the theme "From peace at home to peace in Suriname: protest and put an end to violence against women" in the context of 16 Days of Activism Against Gender Violence, November 25-December 10;
- A drawing competition with the above theme organized for VOJ level students in the district Nickerie in the period 25 November–10 December;
- A stage performance on 30 November 2012 in the district Wanica with the theme "Violence against women is a violation of human rights", to raise awareness of the Surinamese society in particular the population of the District of Wanica, in the context of 16 Days of Activism Against Gender Violence, the International Day for the Elimination of Violence Against Women, and the Human Rights Day; and
- The project "Information (domestic) violence on VOS schools" in partnership with Foundation "Stop Violence against Women". Resulting from this project, one hundred paid clergy are trained in the fight against domestic violence and in identifying cases of domestic violence phenomenon, from April to August 2013.

Sexual harassment in the workplace

181. The Ministry of Justice and Police participates in the project "a preventive approach to sexual harassment in the workplace in Suriname" of the Foundation "Ilse Henar Hewitt Legal Assistance for Women". In light of this project, a ministerial working group, comprised of representatives of all departments of The Ministry of Justice, is formally established. The implementation of the project is still in progress.

182. In the public sector important institutions are headed by women. The Chairman and Vice-Chair of the highest legislative body of the State, The National Assembly, are women. The Acting-President of the Court of Justice of Suriname is a woman. Aside from the highest position, women are increasingly holding strategically important positions, within the public sector. For example, the Court of Justice is composed of 6 men and 10 women. The Public Prosecution Service consists of 15 women and 6 men. The Director of the National Development Bank is a woman. The chair and vice chair of the National Assembly are women. In the private sector, also we increasingly see women hold sway. Suriname still has a long way to go. However the State is committed to gender equality in all professions and trainings.

183. The State has identified some barriers to the full enjoyment of fundamental rights and freedoms. Consequently, the State is preparing itself to respond appropriately and effectively to the identified barriers, which can be described as:

- Insufficient awareness in society about the existence and availability of legal remedies;

- Shortage of social workers in the departments;
- An inefficient hierarchical structure within the Ministries;
- A stagnating level of bureaucracy within the government.

184. In conclusion of Article 3, the State refers to paragraphs 48–52 of this report and to the National Report to the ICCPR of 2003 (Chapter II.4. Article 3, ICCPR), as an integral part of this report, as the details outlined in that report remain valid.

Article 4
Public emergency officially proclaimed by State parties

185. Public emergency is regulated in Article 23 of Chapter V, in Article 102 of Chapter XII and in Articles 128, 129 and 130 of Chapter XIV of the Constitution.

186. According to Article 128, "There shall be a National Security Council, which can only commence its activities after the duly authorized institutions have decided to declare the state of war, threat of war or the state of siege in case of military aggression, or the state of civil and military emergency".[21] The authorized institutions are: the President (chairman); the Vice-President (deputy chairman); the Minister in charge of legal affairs; the Minister in charge of defense; another member of the Council of Ministers; the Commander of the National Army; and the Chief of Police of the Police Corps of Suriname (Article 129). In the period following the second country report up to August 2013, the Republic of Suriname has not been at war, threat of war or in a state of siege. The State also refers to paragraph 47 of this report.

Article 5
Not to interpret the treaty contrary to its objective

187. The Constitution of the Republic of Suriname is in conformity with article 5 of ICPPR. There is no regulation and there are no judgments or decisions of government's authorities in which provisions of the Covenant are interpreted contrary to its objective. In this context the State refers to its National Report to the ICCPR of 2003 (Chapter II.6. Article 5, ICCPR) and requests the Committee to consider it an integral part of the current report, as the details outlined in that report remain valid.

Article 6
Right to life

188. With regard to the right to life during the military regime in the eighties, the State has provided the Committee with relevant information above, under Right to Life and Prevention of Torture, paragraphs 40-46 of this country report.

189. There have been no cases of extrajudicial executions or forced disappearances registered in the period between 2003 to present. Suriname is now a democratic republic, with a Constitution which is adopted by the Surinamese people by referendum and its highest legislative body, The National Assembly (DNA) is elected through free, fair and secret elections.

[21] Underlining added.

190. The State has major achievements in the area of improved public health, with the significant reduction of annual numbers of HIV and AIDS and tuberculosis. The challenges that we face now is to reduce the non-communicable diseases, which are threats for the country.

191. With regard to birth rates and pregnancy a study shows that in the Caribbean region, Suriname has the highest number of teenage mothers. It is estimated that 15 to 17% of the approximately 1,500 child deliveries, annually registered, are from teenage girls. On the average these figures, indicate that of every hundred births, sixteen are to teenage mothers. The law, policy and practice regarding access to educational institutions by pregnant teenage girls are not yet streamlined. Even though there are no legal barriers and the Ministry of Education publicly stated that it is prohibited to ban pregnant girls from school, the practice is not followed everywhere. Debates on this matter with relevant stakeholders, in particular the coalition of school principals of grades 7 to 10, are ongoing. Moral values and norms are the main arguments in favor of the ban. At some educational institutions pregnant teenage girls have the opportunity to visit the school, until the last day of pregnancy and are not expelled from school as before. They can go back to school after delivery. (This is something like pregnancy leave.) Programs are developed to guide these teenage mothers, so they can re-enter school or become junior entrepreneurs so they gain the skills and opportunities to become self supporting. A challenge for Suriname in these cases is to ensure that there is proper guidance at school for the young mothers and fathers.

192. Some other issues that may affect the right to life are illegal abortions, sexual offenses, violence against children and child labor. About 10% children between 5 and 14 are involved in child labor (9.6%).[22] These challenges will be addressed by the State in its policy, as will good heath care for its citizens. It is realized that starting 1 July 2013 the group of citizens from 0-16 years (100,000) and aged 60 years and older (30,000) will be eligible for a health insurance. On 1 January 2014 a national health care system will enter into force. Government officials and their dependents, and ex-government officials and their dependents are excluded from this insurance because they are already insured by "Staats Zieken Fonds" (the State Health Insurance). Parents who have a private insurance have the ability to choose which insurance they wish to retain.

193. The Criminal Code addresses some specific forms of violence against the child by criminalizing and making punishable acts like infanticide (art. 351); child homicide (art. 350); participation in these offenses (Art. 352), and abortion (art. 355). In Suriname there are no cases known of female infanticide and so-called honor killings. In 2012 and 2013 there have been murders as a result of domestic violence. One of the perpetrators committed suicide and the others are (being) prosecuted or are convicted. The State considers the problem of domestic violence a serious matter and conducts an aggressive policy against this phenomenon.

194. In conclusion on Article 6, the State refers to paragraphs 53-62 above.

Article 7
Prevention of torture

195. Suriname has recognized the fact that torture is an issue that needs sufficient recognition. In the Constitution under chapter five concerning basic and individual rights and freedom the emphasis is placed on the prohibition of physical and mental torture (Article 9, Constitution).

[22] Research MICS Surveys, paragraphs 8.2, 8.3 and 8.4.

196. Within the public sector there are several entities entrusted with enforcement powers. Due to this circumstance legislation is enacted to protect society against abuse of these powers, such as unlawful acts like torture. Also mechanisms have been put in place to respond effectively to instances of maltreatment of citizens. An example of such a mechanism is the division "Meldpunt Politie Optreden", of the Ministry of Justice and Police. At this department citizens can lodge a complaint about maltreatment by law enforcement officers. All lodged complaints are investigated. In the cases of a justified complaint the attorney general's office is competent to conduct an investigation further into the matter. Examples of legal protection of detainees and prisoners can be found in Article 21(1) of the Military Law and Article 25 of the Penitentiary Law.

197. Between 2009 and 2013, there have been some cases of excessive violence committed by police officials against civilians. These police officials were prosecuted and punished after criminal investigations. In 2008, three policemen fired shots in the direction of a mango tree, where a man was stealing mangos. Despite repeated demands he did not come out of the tree and was hit by one of the shots. The three policemen were in police custody and prosecuted. In 2012 there was a case where a bystander was fatally shot by a police officer recruit when firing a warning shot. He was trying to carry away a civilian, who was attacked by an aggressive mob. The police officials, who tried to carry away and protect the civilian, were also attacked and the aforementioned recruit was beaten on the head. The entire incident was filmed by the press and was caught on tape by the security cameras. The police officer recruit was prosecuted based on culpable homicide and acquitted by the court. At the moment two police officers are being tried in a very serious case, in which they abused their duties and unlawfully arrested a man. At the arrest they stole his jewelry and the next day this man was found dead at the roadside, shot several times in the head. They have been charged with murder.

198. The State seeks to promote the awareness and the knowledge of human rights to the officers in the armed forces. In the curriculum of the training of the police, in which members of the military police participate, and also the training of correctional officers, the human rights course is included.

199. In conclusion of Article 7, the State refers to paragraphs 56-62 above.

Article 8
Slavery

200. The prohibition of slavery is laid down in Article 15 of the Surinamese Constitution. According to the Criminal Code (Title XIV, Indecency Offences, Art. 307 and following) and Title XVIII (Offences against Personal Freedom, Articles 334 and following) acts that involve any form of slavery are punishable. The maximum penalty is 20 years.

201. Aside from the prohibition, the Criminal Code also regulates the penal measures applicable to Slavery related offenses. The Criminal Code provides, along with imprisonment, for the additional measure of placement in a State labor facility according to Article 9 (1) (b) (2°). In practice, this penalty (labor or services) is no longer applied.

202. The State refers to paragraphs 63-69 above, where it already elaborated extensively on Prohibition of Slavery and Slavery-like practices.

Article 9
Right to liberty and security of person

203. The right to liberty and security of person is guaranteed in Article 16 of the Constitution. Most provisions in the Criminal Code and other criminal provisions in other Acts guarantee this right. Crime and violence are the critical areas threatening people's security. Insecurity restricts the capacity of people to exercise their freedom of choice and their autonomy.

204. The Law on Stalking which was adopted in 2012 also contains provisions which guarantee the right to freedom and security. In practice, it works. To illustrate this, the Committee will find attached to this report, two newspaper articles from *Times of Suriname* English, dated, respectively 24 and 30 August 2013. Annex 6 shows that judges receive many requests for restraining orders every day[23] and Annex 7 shows that a stalker was arrested by police.[24]

205. The right to liberty can be restricted lawfully. According to Article 9 of the Criminal Code, imprisonment and detention are principal penalties. The maximum sentence for an offense is life imprisonment, which can be converted into a temporary term of up to 20 years. In some cases, detention can in no case exceed the period of one year.

206. For a better insight on the matter of lawful deprivation of the right to liberty, the statistics regarding persons deprived of their liberty based on the Criminal Code are attached in Annex 9.[25]

207. With regard to other cases in which people can be deprived of liberty against their will but still lawfully, reference can be made to the Psychiatric Centre (PCS) of Suriname. Admission can only be done under the Lunacy Law. In Criminal law admission to a psychiatric hospital is only possible by order of the court as a special condition of the sentence and it does not exceed one year. Suriname does not have detoxification clinics. On a voluntary basis addicts reside in shelters with the goal to kick the habit. Vagrants are not placed in institutions. Pending their deportation, under the Law on Foreign Nationals illegal persons can be put in foreign detention.

208. With respect to requirements for placing persons in police and preventive custody and the maximum term of custody the State refers to paragraphs 77-82 and paragraph 96 under treatment of prisoners and other detainees, liberty and security of the person, and right to a fair trial above, as well as information regarding incommunicado detention.

209. Between 2010 and 2013, the State alleviated the needs of some of its most deprived. The general pension provision was raised twice. The general allowance is has increased tenfold. There is a housing program launched and indeed it is behind schedule, but many are already helped with a home and housing is still in progress. Many areas that were devoid of clean and safe drinking water and electricity now have these utilities. The first phase of the National Health System has been introduced and next year the General Pension system will be a reality. All children under 16 and senior citizens (60 years old) are now entitled to free insurance.[26]

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[23] See Annex 4 newspaper article with regard to restraining orders.

[24] See Annex 5, newspaper article with regard to a violation of a restraining order, with translation.

[25] See Annex 3, Lists of detainees on an annual basis from 2003 to 2012, issued by the General Bureau of Statistics of Suriname.

[26] President Desi Bouterse, the political testament towards 2015, Information Act, information up to date, De Ware Tijd, Monday, 12 August 2013.

210. The government is responsible for the development of legislation directing the conditions of care facilities or NGOs and the status of the personnel working in these facilities. Only caregivers with the qualifications stated by law are permitted to work in these facilities. The government is inspecting the quality of care and the qualifications of the caregivers through the different inspectorates. The education institutes are also inspected by the government and should provide curricula which will deliver personnel with the required competencies. The Director of Health is the Chief Medical Officer and is authorized by law to take any measure necessary whenever the health of any citizen or group of people is at risk regardless of their age.

211. The care for older persons with chronic diseases is provided by hospitals, the psychiatric center, old peoples homes, by NGOs who provide home-care, the primary healthcare facilities and the psychiatric center. However the Ministry of health has the duty to oversee and monitor the conditions, the facilities, environment and status of the personnel that is providing care through the inspectorate, and is authorized to take any action if necessary.

212. Some challenges are: the homebuilding program is running behind schedule, education has a large backlog and should be adapted to this zeitgeist and striving for a high quality health care, accessible and affordable for everyone.[27]

213. With respect to health some particular concerns and challenges are:

- Alcohol abuse. Caregivers in the primary health care should be trained to provide health education and/or counseling within their facilities or in the community concerning this issue;
- Older people with psychiatric illness;
- Living conditions. Some older people have poor living conditions and some homes for older people have waiting lists. Some older people do not have the necessary finances to pay the costs;
- Older people who live alone; and
- Older people in prison.[28]

214. All pregnant women receive some type of prenatal care and 90% of all births take place in health care facilities attended by skilled health personnel. Still a point of concern is that the maternal mortality ratio is high. The national capacity in emergency obstetric care and the registration system, including maternal mortality cases investigations, needs strengthening in order to keep the mortality rate as low as possible. In order to achieve this Suriname completed a Safe Motherhoods Needs Assessment in 2010. The Safe-Motherhood Action Plan includes also actions in the area of child mortality.

215. Based on mortality and morbidity the focus on the adolescent and Youth Health should be on the (risk) behaviors of adolescents (10-19 yr) and youth (till 24 yr): unsafe sexual practices, resulting in unplanned pregnancies, contraction of STIs (including HIV), substance abuse and violence and injuries. The Ministry of Health drafted a Health Sector Plan that will provide the overall framework for short and long-term health strategic planning setting the way forward for 2011-2018. The Government's philosophy to focus on strengthening the health system to provide increased prevention of the burden of diseases is based on this. (Source Ministry of Health).

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[27] Idem.

[28] Source: Department Home Health Care of Ministry of Health.

216. The National Board for persons with disabilities (established in the eighties) advises the government on the policy for persons with a disability. The Policy Committee for Persons with disability developed a policy plan 2005-2010 for the Ministry of Social affairs and housing, which plan is in accordance with the provisions of the Convention on the Rights of Persons with Disabilities. It is also developed with the Multiple Development Plan and other human rights conventions in mind. Not all the activities which are included in the policy have been carried out; where necessary the services are enhanced. There are also focal points set to relevant ministries responsible for implementing the policy for persons with a disability. A solidarity fund for persons with a disability is in the process of establishment. At the moment preparations are made to become a state party to the Convention on the Rights of Persons with Disabilities. There is a draft law on Parliamentary approval which should go through the legislative process.

217. In the interaction with the LBGT Platform Suriname in the context of the writing of this report, this organization has stated that it does not consider the Constitution sufficient enough for discrimination against LBGT people. The LBGT Platform states explicitly that art. 8 paragraph 2 of the Constitution should be amended in such a way that it should be explicitly stated that discrimination against people with a different sexual orientation shall be prohibited. However, the State believes that the current legislation provides sufficient safeguards against discrimination of any person or any group of persons. It also protects the rights of LBGT. In the current Surinamese law there are no discriminatory rules included. In practice, there was never a case of discrimination reported or registered due to sexual orientation. The Constitution was adopted by referendum by the Surinamese people and at the moment there have been no cases that require legislative amendment. The rights of the LBGT are not violated.

Article 10
Humane treatment of persons deprived of their liberty

218. The basic rights of the individual lawfully deprived of his liberty are laid down in Articles 9, 10, 11 and 12 of the Constitution. The provisions of the Criminal code of Procedure and also the imprisonment Legislation govern the treatment and the rights of persons deprived of their liberty.

219. With regard to the right to human treatment of persons deprived of their liberty it must be noted that important progress has been made on prison matters in Suriname, such as the recent openings of detention centers that have all the necessary facilities and services. In general, the physical structures and housing conditions of the prisons are good, and they are below their maximum housing capacity. The internal security and management of prison facilities is in the hands of a corps of prison officials specifically assigned to exercise those functions.

220. The care and services available to detainees and prisoners vary from labor therapies to technical qualified and not-technical qualified work. There are also sports activities. All four prisons provide medical care. There is an in-house medical doctor, who weekly visits and consulates the detainees and prisoners. Emergency cases are admitted to the Emergency Department of the University Hospital (SEH), and specialized healthcare cases are referred to medical specialists. Rights of prisoners are guaranteed as stated in the relevant laws. There is correspondence between the detainees and prisoners and their family or authorities. Penal measures are applicable.

221. In conclusion on Article 10, the State refers to paragraphs 70-94 above.

Article 11
Imprisonment for failure to fulfill a contractual obligation

222. In Suriname a breach of contract cannot be the ground of imprisonment. Meeting a contractual obligation is strictly enforced by the courts. For breach of contract the Civil Code and the Code of Civil Procedure shall apply. In practice, the Procurator General who is the head of the Public Prosecutions Department, responsible for the investigation (Article 145 Constitution), and who supervises the correct execution of the tasks of the police (Article 147 Constitution) shall ensure that no civil cases are criminally investigated and that no one is taken into custody because they merely are unable to meet a contractual obligation. The Articles 465, 466 and 467 of the Code of Civil Procedure refer to committal for failure to comply with judicial order. The State also refers to its last National Report to the ICCPR of 2003 (Chapter II.12. Article 11, ICCPR). The details outlined in that report remain valid.

Article 12
Right to freely move and choose a place of residence

223. The national legislation of the State is in conformity with the provisions of Article 12 of the Covenant (Article 3(2) of the Constitution).The national regulations as mentioned in its second report are still in force and there are no new laws adopted that could bring a violation of this right.

224. In practice it happens that judges in an interlocutory judgment decide on the condition that the defendant must sign up regularly during the process and that the defendant is required to appear at the hearing. This is based on national regulation (Article 70, Code of Criminal Procedure).

225. The State acknowledges the marginalized and deprived situation of thousands of urbanized people from the interior, in particular of women and children, and the great disparity in development within the country in particular the urban, rural and interior. One of the challenges that we face now is to develop sustainable policy in the field of population location and mobility.

226. It is the intention of the State to regulate its legal and policy framework in such a way, in order to facilitate the free movement of persons to, within, and out of its territory. The Aliens Act comes into view here. Within CARICOM, there are extensive regulations regarding the free mobility of state officials, workers and students. CARICOM citizens can enter the country without a visa, move freely within the Surinamese territory and leave the country. They must abide by the law and have to possess the right documents such as a passport. Furthermore, they must enter the country in the right way. This also applies to diplomats and citizens of countries with which an agreement is reached that their citizens may enter without a visa. Other aliens should have the correct travel documents and residence permits and if they want to work they also need work permits.

227. The State also refers to its last National Report to the ICCPR of 2003 (Chapter II.13. Article 12, ICCPR). The details outlined in that report remain valid.

Article 13
Expulsion of foreigners

228. With regard to the expulsion of aliens, the State refers to its last National Report to the ICCPR of 2003 (Chapter II.14. Article 13, ICCPR) the details outlined in that report

remain valid. There have been no significant changes in national legislation and policy. However, based on a policy measure of the Ministry of Justice and Police, in the years 2010 and 2011 illegal aliens were given the opportunity to register in order to obtain a legal status.

Article 14
Right to fair trial, presumption of innocence, rights of suspects, compensation and *ne bis in idem*

229. The State refers to its initial (1979) and second (2003) National Reports to the ICCPR. The details outlined in those reports remain valid. See also paragraphs 70-94 above on treatment of prisoners and other detainees, liberty and security and right to a fair trial.

Article 15
No *ex post facto* laws regarding criminal liability

230. The State refers to its initial (1979) and second (2003) National Reports to the ICCPR. There have not been changes in the national criminal law, which are not in conformity with the ICCPR. Nevertheless, at the present a case is pending at the Inter-American Court of Human Rights regarding the interpretation and application of the penal law by the Court. The petitioner challenges the retroactive application of the Indictment of Political Office Holders' Act (of 18 October 2001) in a criminal case against him (The *Alibux* vs. *Suriname* case) and that he has been accused of offenses that did not exist at the time of the alleged commission.

Article 16
Recognition everywhere as a person before the law

231. As stated in Suriname's National Report to the ICCPR of 2003 various articles in the Constitution show the explicit acknowledgement of the individual as a person. (See Chapter II.17 Article 16, ICCPR of the 2003 Report. The details outlined in that report remain valid.)

Article 17
No arbitrary or unlawful interference in the personal sphere

232. This right is guaranteed in various national legal instruments, such as the Constitution (Article 17), the Civil Code and the Criminal Code (Articles 186, 435 and 320-325) of the Republic of Suriname. Within the legal system of Suriname authorities such as the police, the public prosecution Office and the High Court of Justice are competent to authorize interference in personal sphere. The remedies available to individuals, in case of a perceived violation of their rights under Article 17 of the Covenant, are provided by the Surinamese Criminal Code and Civil Code. In criminal justice a complaint may be filed with the Personnel Investigation Department of the Police Corps of Suriname (OPZ), the Procurator General and the appropriate criminal investigators. In civil law a claim can be brought before the District Court. The State also refers to its last National Report to the ICCPR of 2003 (Chapter II.18. Article 17, ICCPR). There have been no significant changes in national legislation and policy and the details outlined in that report remain valid.

Article 18
Freedom of thought, conscience and religion

233. This right to freedom of thought, conscience and religion is guaranteed by the Constitution (Articles 18, 38). The hindrance of religious activities is a criminal act under the Criminal Code (Articles 194 and 195). The National Report to the ICCPR of 2003 (Chapter II.19 Article 18, ICCPR) addressed this right thoroughly and the details outlined in that report remain valid.

Article 19
Freedom of expression

234. The freedom of expression is guaranteed in Article 19 of the Constitution. Currently, the freedom of the press is not restricted in any way. Institutions, NGOs and international organizations work together to reach a state of active, independent and impartial press in Suriname. There are several courses and workshops held in this context. For example, in January 2013 the Association of Journalists organized training for journalists in collaboration with the International Press Institute and the Association of Caribbean MediaWorkers (ACM) during one week. Also in February 2013, the Central Bank of Suriname held a course for journalists with the aim to teach the press financial education for better reporting in that field. This was done in cooperation with the IMF and the news agency Reuters. Another example demonstrating that in practice the State pays attention to the right to freedom of expression is that the Minister of Home Affairs stated that he will take the necessary steps to create legislation to protect whistleblowers. The Council of Ministers discussed a proposed Freedom of Information Act according to the Minister.[29]

235. An example of the free experience of freedom of expression we see in the demonstrations prior to the negotiation in the National Assembly and at the adoption of the Amnesty Law in 2013. Parts of society were against the law and have held demonstrations and street marches near the Office building of the National Assembly, during its session. Thereby they are not stopped by the State.

236. There are also concerns regarding the freedom of expression. Individuals – who remained incognito – have in at least three cases threatened journalists or their staff in the course of their work. The victims filed complaints in the relevant cases. However, the criminal investigation was unable to track down the perpetrators. Fortunately, there was also no follow-up to the expressed threats by the aggressors. The challenge for the State is to protect the victims in such cases and after criminal investigation to punish the perpetrators. The debate on the so-called muzzle laws and modification of the Criminal Code to Article 19 of the Covenant is underway.

237. The State refers to its last National Report to the ICCPR of 2003 (paragraph II.20. Article 19, ICCPR). There have been no significant changes in national legislation and policy and the details outlined in that report remain valid.

Article 20
No propaganda for violence

238. In Surinamese law the propagation of violence is punishable under Articles 175 and 175a of the Criminal Code. Organizations that promote or incite racial discrimination or

[29] See Annex 6, Newspaper article of *De Ware Tijd* of 7 August 2013.

violence, are not covered by the Articles 175 and 175a of the current Criminal Code. However according to article 188 of the Criminal Code participation in an organization that aims at committing any criminal offense is prohibited. The Surinamese law does not allow for the establishment of an organization with a legal status with no lawful purpose, such as the promotion and incitement of racial discrimination. In this light see for example Article 1665 to 1684 of the Civil Code.

239. In conclusion on Article 20, the State also refers to its last National Report to the ICCPR of 2003 (Chapter II.21. Article 20, ICCPR). The details outlined in that report remain valid.

Articles 21 and 22
Freedom of assembly and freedom of association (trade union)

240. The national legislation of the State is in conformity with Articles 21 and 22 of the ICCPR. Reference can be made to Articles 20, 21 and 33 of the Constitution.

241. It turns out that in practice residents of the State are not restricted in their right to freedom of assembly or freedom of association. Anyone is free to establish an association or organization, for example, a human rights organization. So a citizen, namely Robert Hewitt, has announced that he founded a human rights organization in Suriname. Thereby he is not hindered by the State. Company employees or State officials are also not hindered to set up a trade union. Some examples are the Union of Penitentiary Officials, the Union of Police Officials, the Union of Teachers, etc.

242. The protests during the adoption process of the Amnesty Law show the free experience of the above mentioned rights in paragraph 214 which deals with freedom of expression.[30]

243. In conclusion on the Articles 21 and 22, the State refers to the National Report to the ICCPR of 2003 (Chapter II.22. Articles 21-22, ICCPR). The details outlined in that report remain valid.

Article 23
Family protection and marriage

244. The principle of the family as the natural and fundamental group unit of society is recognized by the Surinamese Law. As stated above under section B, Responses to the principle subjects of concern and to the recommendations formulated by the Committee during consideration of its previous reports, subsection Protection of Children, the Asian Marriage Act was abolished by Resolution No. 4190/03 of 17 June 2003. The Revision Marriage Law 1973, laying down new rules concerning marriage ceremony and marriage dissolution came into force and after 17 June 2003 there were no marriages under the Asian Marriage Act. In addition, changes were made to the Fourth Title of the First Book of the Suriname Civil Code. For further information the Human Rights Committee is requested to consider the National Report to the ICCPR of 2003 (Chapter II.23. Article 23, ICCPR) an integral part of this report as the details outlined in that report remain valid.

[30] The demonstrators held protest meetings in the city from which they organized a protest march in the city and along the parliament building, during the negotiations and the adoption of the Amnesty Law in the National Assembly, in 2013. Parts of society were against the law. They also held speeches. Thereby they were not stopped by the State.

Article 24
Protection of children

245. The State has taken the implementation of the CRC as one of its major challenges since it believes that an investment in the child is an investment in the future. In the implementation process the State encourages partnerships with the private sector especially NGOs active in the field of working for and with children.

246. The Republic of Suriname is committed to the welfare of all children in Suriname, including those with disabilities. The State seeks to achieve this through a high quality health care and good education that should be affordable for everyone. The State is *inter alia* engaged in the process of innovation in the education system for child-friendly education and increase of schools. The social services such as health cards to ensure medical care, financial support for needy households and persons with a disability, child allowance, school supplies programs and subsidies provided to institutions taking care of children are improved.

247. Education will be coupled to a good (after-)school care. This project is at present in an experimental phase and will be further developed at the new school year. Education is now accessible to all children. School fees have been abolished. This also applies to the children in the interior. The opportunities for children from the interior to study in the city are increased. Because of the small numbers of inhabitants per village and the scattered location of the villages, it is not possible to set higher education in the interior. School transport in the interior is rather well organized (boat and bus transport) and is free.

248. Although Suriname is not party to the Convention relating to the Status of Stateless Persons, the State acts in accordance with Article 22 of this Convention. In addition, the Department provides access to basic education, in the sense that parents of children, who don't have the Surinamese nationality, are required to register the children. These children receive the same treatment as all other children. The difference does occur in private schools, in terms of enrollment fees.

249. Youth in Suriname have always been in the forefront. A separate Department of Sport and Youth Affairs was set up in 2010 and efforts were made to formulate a national youth policy, aimed at alleviating the needs of the youth. The CARICOM Youth Ambassador Program and Surinamese Youth Parliament have served to strengthen the leadership capacity. The State promotes young people's leadership to ensure their full participation in policy and decision-making processes.

250. The first phase of the National Health System is set. All children under 16 years are entitled to free insurance. Between 2003 and 1013, the General Child support has increased tenfold and the State aims to double this amount. Child support is granted to 4 children in a family in Suriname and the Ministry has drafted a concept-resolution where the maximum of 4 is not included. These facilities apply also to children from the interior.

251. In the case of sexual abuse of children the government established an interdepartmental working group which coordinates the juridical, social and medical protection of these children (Ministry of Social Affairs and Public Housing: Divisions Youth Care and the General Social Work; Ministry of Justice and Police: Bureau for Family Affairs and KPS-Jeugdzaken (Police Corps of Suriname-Youth) and Ministry of Public Health: Division Bureau for Public Health and Family Health). From their responsibility these institutions should take the necessary measures. So is the Ministry of Social Affairs and Housing responsible for medical facility of children, the guidance of children by family coaches who assess the situation at home and identify which specialist help is required.

252. At present, the process of adoption of a law on shelters especially for children is pending before the National Assembly.

253. In conclusion on Article 24, the State refers to its last National Report to the ICCPR of 2003 (Chapter II.24. Article 24, ICCPR). The details outlined in that report remain valid. Reference is also made subsection B, paragraphs 95-100 of this report.

Article 25
Right to participate in governance of the country without deprivation

254. The information provided in Suriname's second National Report to the ICCPR of 2003 on the rights of the citizens to participate in public life, the government, to vote, etc. (Chapter II.25. Article 25, ICCPR) remains relevant.

Article 26
Non-discrimination

255. As previously noted in this report, the equality of individuals before the law and the right to the protection of the law for all persons is explicitly mentioned in article 8 of the Constitution:

> "(1) All who are within the territory of Suriname have an equal claim to protection of person and property.
>
> (2) No one shall be discriminated against on the grounds of birth, sex, race, language, religion, education, political opinion, economic position or any other status."

256. In 2007 the Ministry of Home Affairs established a Commission on Gender legislation to review the national laws in order to determine whether they create inequality between men and women and if so modify the respective legislation. This commission was initially established for six months after which, its mandate was extended until August 2010. The Commission has already concluded its findings in a report and presented this to the Minister of Home Affairs. Currently the establishment of a commission tasked to harmonize the national gender related legislation with the State's international obligations, is being prepared.

257. Owing to the efforts of the Ministry of Home Affairs Suriname acceded to the Belém do Pará Convention of the Organization of American States in 2002. This Department also drafted a law to explicitly penalize the act of stalking which was adopted by Parliament in July 2009 and entered into force on 8 May 2012 (SB 2012 No. 70). Within this general framework the State is trying to remove possible inequality between individuals based on their sex.

258. As mentioned above (see paragraphs 20-25 above on general information on the State and Chapter II.27. Article 27, ICCPR of the Second National Report to the ICCPR of 2003) the Republic of Suriname is the world in miniature. The State is a multicultural and multilingual society, a fact of which the State is very proud. Various ethnic groups continue to speak their language, enjoy the culture of their native countries and are permitted to do so freely. Its policy is once again aimed at promotion of cultural democracy. Knowledge of one another's cultural expressions can contribute to mutual understanding, appreciation and advancement of groups, which are preconditions for solidarity.

259. The policy is among other things to maintain records and transferal of the material and immaterial cultural heritage of all the cultural groups. The rich variety of cultural values and all other cultural sources contribute to creativity and national unity for further cultural development, strengthening Suriname's cultural identity.

Article 27
Respect for minorities

260. There is no official identification of all minorities in the Constitution of Suriname. This does not mean that they are not recognized. There are protection clauses in the Forestry Act and the Mining Act. Furthermore, the dignitaries of the Indigenous and Maroons are paid by the State, although appointed in a traditional manner and traditional functions within the Maroon or Indigenous communities. The gaamans (tribal chiefs), the chiefs, and the chief captains receive social security, including the State Health Insurance and a representation allowance. Although not all villages have water and electricity, there are special development programs in which the State provides the villages of free drinking water and electricity, while school transport is also free.

261. Suriname promotes consolidation of cultural identity of individuals and groups regardless of their origin. The Directorate for Culture of the Ministry of Education is at the service of these individuals and groups.

262. Concluding on Article 27, the State refers to subsection B above, paragraphs 101-171.

IV. Closing remarks

263. The Republic of Suriname has already integrated most human rights enshrined in the ICCPR in parts of its legislation and will continue to do so where necessary. However, the government is aware of the fact that the legal provisions are in itself not enough to make the best interest a primary consideration in the daily practices of service delivery and legal procedures. Therefore the government constantly tries to adapt its policies to the human rights standards. In this context it has also organized a number of training courses for relevant stakeholders, such as government officials, correctional officers, the police, prosecutors and judges, to raise awareness and strengthen skills to apply human rights issues in practice. Human rights education has been being incorporated in the national curriculum, for the past 5 years. Text books are being produced by the Ministry of Education for the primary level grades 4-6 (10-12 yrs) mainly in History. The curriculum department is still working on developing new methods for the higher levels incorporating Human Rights issues.

V. Conclusion

264. The Government of the Republic of Suriname, representing the State Party, firmly states that it recognizes the fundamental human rights of any individual without distinction. It condemns racial discrimination and strives tirelessly to meet its international obligations, including its obligation pursuant to article 40 of the International Covenant on Civil and Political Rights, reasons why the State submits this third periodic report in one document.

265. The State continues its endeavors to address and implement all the recommendations and issues of concern communicated by the Committee. However, the State is fully aware that despite the significant progress it has gained, there are still some unmet issues. Reason why this document is not exhaustive and will most likely not comprise all aspects in the above-mentioned Covenant.

266. Nonetheless, taking into account the good faith effort of the State to comply with its obligation set forth in the Covenant, it will, if requested, be more than willing to supply in writing or orally any additional information with regard to the human rights situation, in particular civil and political rights, in the jurisdiction of the Republic of Suriname.